Legal Representation for Parents in Child Welfare Proceedings:
An analysis of Wyoming practice
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# Table of Contents

## Executive Summary

**Introduction** .......................................................... 1  
**Findings** ................................................................ 3  
**Recommendations** ..................................................... 5  
**Conclusion** ................................................................ 10  

## The Assessment

**Introduction** .......................................................... 10  
**Methodology** .......................................................... 18  
**Findings** ................................................................ 27  
**Recommendations** ..................................................... 47  
**Conclusion** ................................................................ 55  

## Appendices

A. **Letter from Justice Kite** ........................................... 56  
B. **ABA Standards for Representing Parents** ............... 57  
C. **County Survey of Parent Representation** ............... 61  
D. **Courtroom Observation Forms** .............................. 66  
E. **Interview Instruments** ............................................ 69  
F. **Parent Survey** ...................................................... 79  
G. **Attorney Survey** ..................................................... 83  
H. **Judicial Officer Survey** ........................................... 94  
I. **DFS Survey** .......................................................... 100  
J. **Survey Results** ...................................................... 104  
K. **Court Observations Summary** .............................. 134  
L. **Onsite Team Bios** .................................................. 139
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Executive Summary

Introduction

The Wyoming Children’s Justice Project (CJP), through the work of its Parent Representation Committee, expressed an interest in assessing the needs of parent representation in Wyoming. In November 2010, the CJP engaged the American Bar Association (ABA) Center on Children and the Law to assess how Wyoming provides representation for parents in child protection proceedings and to make recommendations. The Parent Representation Committee assisted in the assessment design and served as a resource on Wyoming law, policy, and procedure. The committee consists of judges, parents’ attorneys, DFS staff, providers, and CJP staff members and consultants.

This independent assessment of parent representation includes both quantitative and qualitative measures. The qualitative part of the assessment was designed to be an inclusive process that engaged judges, attorneys, court staff, social workers, community providers, and of course, parents.
The assessment team, in conjunction with the Parent Representation Committee, crafted an evaluation methodology consisting of seven primary components:

(1) Preliminary data collection from District Courts regarding (a) how parent attorneys are appointed; (b) how many attorneys accept these appointments; (c) at what point in the case an attorney is appointed; (d) whether they are paid an hourly or flat fee; (e) what is the fee; (f) whether attorneys with more experience get a higher fee; (g) whether there is a cap on the fee; and (h) what was the cost to the county in 2008, 2009, and 2010 (where available);

(2) Surveys (primarily electronically) sent to the Department of Family Services (DFS) staff and supervisors;

(3) Surveys (primarily electronically) sent to all attorneys appointed to represent parents, children, and DFS;

(4) Surveys (primarily electronically) sent to each judicial officer currently or recently assigned to a child protection calendar;

(5) Surveys (distributed by various means) to parents involved in child protection cases;

(6) Interviews and focus groups on site with parents, social workers, providers, attorneys, judges, and court staff in Laramie, Natrona, and Sweetwater Counties;

(7) Observation of courtroom hearings and multidisciplinary (MDT) team meetings in Laramie and Sweetwater Counties; and

(8) Individual phone interviews with judicial officers, attorneys, CASAs, and other stakeholders from around the state.
The courtroom and MDT observations and on-site interviews were conducted from February 28 - March 11, 2011 by two teams consisting of staff attorneys and consultants from the ABA Center on Children and the Law. CJP staff arranged the on-site visits, with CJP or court staff accompanying the teams to their assigned counties.

Findings

(1) Most attorneys have the skills necessary for in-court trial advocacy and consistently represent their clients at critical multidisciplinary (MDT) meetings. Generally, judicial officers report parents’ attorneys are prepared for most court hearings. Parents also agree their attorneys are prepared for the courtroom and accompany them to most MDT hearings. Parents rely on their attorneys at MDT meetings because, as many respondents noted, important decisions are reached at these meetings.

(2) Although many parents’ attorneys have attended some training in relevant child welfare issues, Wyoming does not require parents’ attorneys to attend initial or ongoing training as a condition of receiving contracts or appointment to represent parents. Representing parents requires specialized knowledge, and most Wyoming parents’ attorneys report some participation in child welfare related training. Wyoming, however, does not require its attorneys to participate in any training program prior to receiving a contract or appointment to represent a parent, and does not require any ongoing training.
(3) Whether counties pay parents' attorneys on a contract or hourly basis, compensation is not uniform across Wyoming. The compensation survey indicates most counties pay parents' attorneys on an hourly basis, with the hourly rate ranging from $60 - 100 per hour. The two counties having the largest number of children in care contract on a yearly basis with one or more attorneys. While there are no precise calculations available regarding how the monthly/yearly contract rates in Natrona and Laramie Counties compare to the hourly rate in other counties, it seems likely the hourly rate would be on the low end of the range. Furthermore, stakeholder responses indicate a concern about the new contracting arrangement in Natrona County and the absence of caseload guidelines or limits in Laramie County.

(4) Wyoming places the burden of funding parent representation on its counties, without structural support from the state. In the absence of any structural support from the state, the quality of parent representation varies across the state. As noted above, the result is inconsistent and sometimes inadequate compensation and a lack of cohesive training. In addition, without basic standards of representation, the system lacks accountability. As detailed in the full report, judicial officers do not generally consider it their duty to provide judicial oversight, e.g., holding parents' attorneys accountable to practice standards, and many stakeholders see the lack of accountability as problematic.

1 According to the compensation survey, the yearly cost of the Laramie contract (which covers the cost of one main attorney who represents most parents) is $40,000. As of December 2010, Laramie had 97 children in care. The yearly cost of the current Natrona contract is $200,000, which covers the services of four attorneys. As of December 2010, Natrona had 199 children in care.
(5) Current parent-attorney relationships are weakened by a lack of communication and inadequate advocacy between courtroom hearings. In focus groups and surveys, parents report their attorneys are often hard to reach and not available to them as they navigate their cases. While attorneys are generally prepared for most hearings and attend MDT meetings regularly, parents and other stakeholders complain that parents’ attorneys do not consistently advocate between courtroom hearings, when many of the key events in these cases are happening. It also appears parents’ attorneys do not always receive information from caseworkers and the county attorney in the most timely fashion, further hindering their ability to communicate with their clients about important issues in the case.

(6) Appointment of attorneys is not handled in a consistent fashion around the state, resulting in many parents going unrepresented at the shelter care hearing. The data indicates that parents’ attorneys are not being uniformly appointed prior to or at the shelter care hearing. In many counties, attorneys are appointed at the initial hearing. However, as many respondents noted, critical time has elapsed by the initial hearing: the parent has lost any opportunity to be reunited at the shelter care hearing and may not be represented at the first MDT meeting.

**Recommendations**

As addressed in more detail in the full report, Wyoming should consider implementing the following recommendations to improve the representation of parents in child protection cases.
(1) Improve Training. Wyoming should improve its training and delivery of training through the following:

(a) Mandatory Training. Wyoming should consider establishing mandatory training and continuing legal education requirements for parents’ attorneys that include specific requirements regarding topics directly related to the representation of parents.

(b) Training Plan. Wyoming needs to consider developing a multi-year training plan to increase the frequency of parent attorney training and ensure training is convenient for attorneys.

(c) Multidisciplinary Training. Wyoming should consider regionalizing multidisciplinary trainings that are offered to all attorneys, social workers, and service providers on legal and substantive topics, e.g., the child abuse and neglect registry, DFS practice, federal and state statutes and rules, mental health services, behavioral health assessments, ICPC, bonding and attachment, family engagement, case planning, and substance abuse. Current web-based training (e.g., BlogTalkRadio) has been well received and should be expanded to include more topics directly related to parent representation.

(d) Attendance at National and Regional Trainings. Wyoming should support the attendance of parents’ attorneys at national and regional conferences so they receive the most updated information available.
(2) **Improve Compensation.** Adequate compensation is a key element of attracting and retaining attorneys who can and will provide high quality representation to parents. Based on the responses of survey participants, hourly rates below $100 per hour appear inadequate. Many attorneys report recently reduced payments in the GAL program forced them to leave this area of practice. Wyoming should consider standardizing payment at a reasonable level.

(3) **Administrative Structure.** Wyoming should consider adopting an administrative structure to address parent representation. The models below would address compensation, support systems, training, and oversight in some manner, but vary in their level of centralization.

(a) **County Panel with Case Manager Support.** In this model, the county would continue to determine the method of attorney appointment, but would use a case manager/managing attorney to provide logistical support and oversight for parents’ attorneys. This support would include oversight of contract requirements, compliance with standards, and training obligations. In some counties, support could also be provided by social workers and parent partners/advocates, as well as collaboration with CASA volunteers. This model could be incorporated with (4) below, as part of any expansion of the successful Sweetwater County Children’s Justice Project.
(b) Models Using State Support.

(i) Statewide Institutional Support. Like public defender systems in many states and legal aid offices in larger metropolitan areas, this model would primarily use salaried staff attorneys. This model would benefit from having in-house supervision and support staff such as investigators, social workers, and paralegals.

(ii) Office of Parent Representation. This model relieves the counties of the administrative responsibilities for managing a panel of attorneys, but does not necessarily shift the financial responsibilities to the State. This model would include a limited number of full-time staff to address systemic representation issues, but would primarily provide client representation with contracted attorneys. Investigators, social workers, and paralegals could be an integral part of this model.

(iii) Hybrid Model. As discussed in the full report, a hybrid of the above two could be used. For example, Massachusetts uses a combination of panels of private court-appointed attorneys and staff attorneys in seven metropolitan areas.

(4) Expansion of Sweetwater County Children’s Justice Project. The April 2011 evaluation of the Sweetwater County Children's Justice Project indicates the use of a part-time court case manager increased communication and efficiency, ultimately resulting in children spending less time in care and reducing costs to DFS. Wyoming should consider expanding components of this pilot to other counties, and include infrastructure to support parents’ attorneys. For example, the pilot could include a role for parent advocates/partners in jurisdictions with larger caseloads.
(5) Standards. Wyoming should consider adopting standards that recognize the special challenges of representing parents and acknowledge the importance of this practice area, with standards comparable to those governing the GAL program. Such standards should also address improved discovery. Specifically, they should address the roles of county attorneys and parents’ counsel in ensuring discovery takes place.

(6) Appointment of Counsel. Wyoming should consider requiring appointment of counsel before the shelter care hearing for all parents. Wyoming should consider, as a long-term goal, appointing counsel before a protection petition is filed.

(7) Survey Local Practices. Either as part of the administrative structure’s responsibilities or independently, Wyoming should consider periodically surveying local practices regarding compensation, screening, appointment, use of standards, and case management. By sharing this information on a regular basis, court administrators and county policy makers could compare local practices and incorporate features that might improve their management of the attorney panel and the representation of parents.

(8) Discovery. At the state or local levels, standing orders or memoranda of understanding should be adopted to ensure that discovery takes place in a timely and routine manner.

(9) Evaluation. Wyoming should evaluate effect of improved representation on case outcomes over time. This evaluation would include first gathering baseline case data such as time frames, case type, outcomes, and information about the legal representation provided, and then periodic follow-up on new and original cases after planned improvements in parent representation have occurred.
Conclusion

Wyoming has an opportunity to improve the safety, permanency, and well-being of its children by restructuring how parents are represented in child welfare cases. Improving the system by which attorneys are appointed, the resources available for these attorneys, and accountability to the client and the courts will not only improve the quality of representation but the overall performance of the courts. Elevating the representation of parents with training requirements, adequate compensation, state infrastructure support, and implementation of standards would allow for more uniform and improved representation for parents, as well as improve the courts’ ability to make the best decisions for Wyoming children and their families.

The Assessment

Introduction

Across the country, advocates, child welfare professionals, parents, children, and youth all agree: the child welfare system is not working optimally to best serve children and families. Too many children are removed from their parents. Too many children “age out” of the system without permanent family connections. Too many youth leave the foster care system to live on the streets, in prisons, or back with families who never received the services needed to help them support these youth. Too many of these families are poor and represent minority populations.
Wyoming has a history of working to improve outcomes for children and families, highlighting a spirit of collaboration cited by numerous respondents in surveys, on-site interviews and focus groups, and telephone interviews. For example, Laramie and Natrona Counties previously teamed with the ABA Center on Children and the Law to conduct two Permanency Barriers Projects. These projects identified barriers that prevented or delayed children in foster care from returning home safely or achieving alternative permanency outcomes, and worked collaboratively in both locations with child welfare stakeholders to improve the system over a two-year period. In Natrona County, the Permanency Barriers Project created 12 workgroups to address topics such as engaging families/improving reunification efforts, diligent search efforts, Title IV-E compliance, adolescent permanency, concurrent planning, termination of parental rights, ICWA, and training. Over the two-year period of the project (2004 - 2006), time to permanency improved from an average of 26 months to an average of 17 months.²

Similarly, the Laramie County Permanency Barriers Project created five workgroups addressing children in need of supervision, MDT meetings, family-centered case planning, risk assessment and safe returns, and court preparation and planning.

² American Bar Association Center on Children and the Law, *Wyoming Permanency Barriers Project: Natrona County Combined Initial/Final Data Report* 17 (February 2007).
Over the two-year period of the project (2008 - 2010), time to permanency was reduced from an average of 43 months to an average of 29 months.\(^3\)

In addition, the CJP supports a pilot project in Sweetwater County. Wyoming CJP funds pay for a part-time court case manager who schedules and coordinates child welfare matters. The CJP provides additional training for attorneys, caseworkers, and service providers, and works with the National Center for Juvenile Justice (NCJJ) to develop and maintain an automated case tracking system called JcatsWyoming. While this program is not specific to parent attorney issues, the improved communication between parties it encourages was reported to have been a great help to parent attorneys. In April 2011, NCJJ published findings based on its October 2010 evaluation, which included interviews, observations of court hearings and MDT meetings, and analysis of automated case processing data.\(^4\) Based on this assessment, "the total length of time in out-of-home placements for children named on abuse/neglect petitions filed with the court post-CJP were an average of 57 days shorter than for children named on abuse/neglect petitions prior to the start of the CJP effort."\(^5\)

Although Wyoming has implemented several programs to improve outcomes for children and families, there remains room for improvement. During 2010, 441 abuse/neglect petitions were filed affecting 768 children.\(^6\)

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\(^5\) *Id.* at 25.

Wyoming had 697 children placed in foster care statewide as a result of child protection proceedings.\textsuperscript{7} Four counties (Natrona, Laramie, Sweetwater, and Campbell) accounted for 63\% (436) of these children.\textsuperscript{8}

In 2010, nine hundred seventy-five (975) children exited from care.\textsuperscript{9} The overwhelming majority of these children, 715 or 73.3\%, were reunified. One hundred twelve (112) or 11.4\% went to live with relatives, 62 children or 6.3\% were adopted, 48 children or 4.9\% went into a guardianship, and 38 children or 4\% were emancipated.\textsuperscript{10} The 2010 statewide average of time spent in care was 357 days, up from 316 in 2009 and 339 in 2008.\textsuperscript{11} There is a wide disparity among county averages, ranging from a low of 128 days in Johnson County to a high of 741 days in Weston County.\textsuperscript{12} (It should be noted that due to the very low number of cases in some counties, some county comparisons can be greatly skewed by outliers). The average of the four counties with the most children in care (Natrona, Laramie, Sweetwater, and Campbell) was 391 days. Sweetwater County, which as previously noted has an ongoing pilot project, had the lowest average of the four at 306 days.\textsuperscript{13}

\textsuperscript{7} Id. at 7.

\textsuperscript{8} Id.

\textsuperscript{9} It must be noted that this number includes children placed in care not only as a result of a child protection proceeding, but also in a CHINS or delinquency proceeding. Id. at 9.

\textsuperscript{10} Id.

\textsuperscript{11} Id. at 8. Again, these numbers include all placement and program types.

\textsuperscript{12} Id.

\textsuperscript{13} Id.
Research indicates that removing a child from his or her family is traumatic and the resulting foster care does not prepare a child for a successful adulthood.\footnote{See, e.g., Doyle, Joseph Jr., "Child Protection and Child Outcomes: Measuring the Effects of Foster Care," forthcoming in \textit{American Economic Review} (hereinafter Doyle); Lawrence, Catherine et al., "The Impact of Foster Care on Development," \textit{Development and Psychopathology} 18 (2006)(hereinafter Lawrence).} For example, in one study of children in "marginal" cases, where social workers disagreed about whether removal was necessary, children who remained at home fared better than those who were removed. Specifically, the children placed in foster care were more likely to be involved in the juvenile justice system, become teen mothers, exhibit behavior problems, and have higher rates of arrest, conviction, and imprisonment.\footnote{Doyle at 30 – 32; Lawrence at 57 - 76.} Children who "age out" of foster care suffer from higher rates of homelessness, poverty, incarceration, and mental health problems.\footnote{Fowler, Patrick & Toro, Paul, \textit{Youth Aging Out of Foster Care in Southeast Michigan: A Follow-up Study Final Report} (2006); Courtney, M., et al., \textit{Midwest Evaluation of Adult Functioning of Former Foster Youth: Outcomes at Age 21} (2007)(hereinafter Courtney 2007); Assessing the Effects of Foster Care: \textit{Early Results from the Casey National Alumni Study} (2003); \textit{The Casey Young Adult Survey: Findings Over Three Years} (2006).}

Quality legal representation for parents, however, can reduce the time spent in care and help reverse negative trends. Studies in Washington State, where a Parents Representation Program is in place,\footnote{The Office of Public Defense (OPD) Parents Representation Program operates in two-thirds of counties in the state. The Program is based on practice standards that require attorneys to (1) meet and regularly communicate with clients throughout the case; (2) ensure clients have access to services, including visitation; (3) prevent continuances and delays; (4) conduct high-quality case investigation and preparation; and (5) negotiate agreements and competently litigate if no agreement is reached. Washington State Office of Public Defense, \textit{Reunification and Case Resolution Improvements in Office of Public Defense (OPD) Parents Representation Program Counties 1} (Olympia, WA: Washington State Office of Public Defense, February 2010). <www.opd.wa.gov/Reports/Dependency\%20Termination\%20Reports/100325_ReunificationOutcomes.pdf.} demonstrate that better parent representation
improves reunification rates. Washington also found quality parent representation improved outcomes where safe return was not possible:

In 50% more of the cases resulting in a termination order, parents have obtained visits or periodic correspondence. Most of these orders were agreed - attorneys worked with parents to understand the realities of the case and obtain the best outcome possible, and the state agreed that the parents' proposed arrangements were safe.

The Center for Family Representation (CFR), founded in 2004 in New York City, uses the Community Advocacy Team (CAT) approach to serve families. The CAT includes an attorney, social worker, and parent advocate. With the CAT approach, CFR has compiled impressive statistics. Of the 700 families that received services through the CAT approach in 2008, 56% of the children never entered foster care. The average stay for children who did enter care was 98 days, compared to an average stay of 11.5 months for children in New York City who reunify within one year.

These innovative programs also save money by reducing the amount a county or state pays in foster care costs. For example, the 2001 average daily cost of foster care per child in Washington State was $35 and the average time to reunification was approximately 244 days. The 2011 study of the Parents Representation Program

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18 Id. (counties with OPD Parents Representation Program resulted in 10.4% more reunifications in filed cases (indicating a 39% rate increase) and 10.6% more case resolutions within approximately 2.5 years (indicating an 18.3% rate increase)); see also Courtney, Mark E. et al., Evaluation of the Impact of Enhanced Parental Legal Representation on the Timing of Permanency Outcomes for Children in Foster Care 4 (Partners for Our Children: University of Washington, 2011)(hereinafter Courtney 2011)(exit rate to reunification is 11% higher when a child is living in a county where the Parents Representation Program is available versus counties where it is not).


21 Id.

22 Courtney 2011, supra note 19.
indicated that, in cases served by the program, the average time to reunification was reduced by 11% or almost 27 full days. This reduction of time in foster care saved the government $939.40 per child. The study further reported that 68% of the 12,104 children involved were reunified, equating to 8,231 children. The full savings of 8,231 children spending nearly 27 less days in foster care, therefore, was $7.7 million.

Similarly, in New York City, the annual cost of foster care is at least $29,000 per child. The CAT model used by CFR costs an average of $5,900 per family during the course of their case. The $23,100 difference between the per child cost of foster care is increased if a family has more than one child, and CFR estimates that the CAT model saved $7 million in 2010 alone.

As these programs show, better representation for parents can decrease unnecessary removals of children from their families, increase the amount and quality of services parents receive, increase the frequency and quality of visitation between children and their parents, foster the use of kinship placements, decrease the amount of time until a child is safely returned to his or her parent, and save county and state dollars. Parents in Wyoming should have access to the kind of high quality representation that will ensure their voices are heard when decisions are made about their children. Children in Wyoming will then have the best possible chance at growing up as part of the family that loves them the most.

23 Id.
24 Id.
26 Id.
Furthermore, parents have a fundamental liberty interest in the care and custody of their children under the due process clause of the 14th Amendment. See generally Santosky v. Kramer, 455 U.S. 745 (1982); Troxel v. Granville, 530 U.S. 57, 65 (2000). This fundamental liberty interest is also recognized by the Wyoming Supreme Court. In 2007, the Wyoming Supreme Court reversed the district court's termination of a mother's parental rights because the state did not offer clear and convincing evidence that the agency provided reasonable efforts to reunify and that the mother was unfit to have custody of her son at the time of the trial. In the Interest of FM, 2007 WY 128, 163 P.3d 844 (Wyo. 2007). In this case, the Wyoming Supreme Court relied on Santosky and concluded that "parents facing the termination of their parental rights -- fundamental constitutional rights -- must be afforded every procedural and substantive protection the law allows." Id. at ¶ 28, 851 (citing In re CC, 2004 WY 167, ¶ 16, 102 P.3d 890, 895 (Wyo. 2004)). Such protection is necessary because "[t]ermination of parental rights is the family law equivalent of the death penalty in a criminal case." Id.

This interest is protected in Wyoming by statute and court rules that provide parents a right to counsel in child protection proceedings and a right to appointed counsel if they are indigent. See, e.g., Wyo. Stat. Ann. § 14-3-211 (requires child to be represented by counsel; allows for court to appoint "counsel for any party when necessary in the interest of justice"); Rules of Procedure for Juvenile Court, R.5 (respondent is entitled to representation in all proceedings). The vast majority of parents’ attorneys in Wyoming, as in most states, are appointed by the court after a
finding of indigency. Ninety-two percent (92%) of parents completing surveys for this assessment reported they had court-appointed counsel.

Guided by the goals of improving outcomes for children and families and protecting Wyoming parents’ due process rights, the Wyoming CJP commissioned the ABA Center on Children and the Law to perform this assessment. Casey Family Programs and the National Child Welfare Resource Center on Legal and Judicial Issues provided additional support.

The following report on the findings and conclusions of the assessment is divided into three sections:

I. a description of the methodology;

II. an analysis of survey data, on-site observations, interviews, and focus groups; and

III. recommendations based on an application of best practice standards and research to the findings.

I. Methodology

In discussions about how to tailor the assessment to reflect the varied practices within Wyoming, the assessment team and Parent Representation Committee were guided by the following goals:

(1) A statewide picture of parental representation should be constructed through means that reached as many stakeholders as possible; and
Due to limitations on time and resources, to capture a real-time picture of parental representation, sampling of opinions and practices in selected jurisdictions would be conducted by on-site observation, personal interviews, and focus groups.

An important added feature of visiting courts in three counties was the opportunity for informal interviews with court personnel, and conversations with parents, social workers, attorneys, and other stakeholders. Individuals in these counties who filled out surveys ahead of time, and indicated a willingness to participate in follow-up interviews were invited to attend focus groups or arrange for a personal interview.

A. Off-site Preparation

(1) Compensation Survey. In February 2011, CJP collected information from each county about their procedures for soliciting, appointing, and compensating parents’ attorneys.

The majority of counties (21) pay an hourly fee, ranging from $60 to $100 per hour, to attorneys selected from a list on a rotating basis. Generally, these counties do not impose a cap on fees for parent representation,\(^\text{27}\) and appear to pay for services rendered outside of the courtroom. A few counties base their hourly fees on the attorney’s level of experience. For example, Sheridan County pays attorneys with up to five years of experience an hourly rate of $75, attorneys with six to 10 years of

\(^\text{27}\) Although the formal survey results did not report any counties imposing a cap, a few counties did not provide a response to this question and a few respondents stated fees were capped.
experience an hourly rate of $85, and attorneys with over 10 years of experience an hourly rate of $100.

By contrast, the two counties with the largest number of cases, Laramie and Natrona, contract with specific attorneys and pay a fixed monthly/yearly sum. In Laramie County, several conflict attorneys are paid an hourly rate of $90. See Appendix C.

(2) Opinion Surveys. Simultaneously, the assessment team and Parent Representation Committee drafted surveys for parents, attorneys, DFS staff, and judicial officers. All responses to the surveys have been maintained confidentially. Web-based Qualtrics survey software was the default means of receiving responses to the survey, but the survey could be returned by e-mail, fax, or post. The instructions included the name and contact information of an ABA team member for assistance as needed. The assessment team also had copies of the surveys available at all site visits and many were distributed to attorneys, social workers, judges, and parents. Follow-up e-mails and personal telephone calls were made to attorneys and judicial officers to obtain the broadest response possible.

Provisions were made for quality control including searches for duplicate names, e-mail addresses, and automated Internet Protocol addresses that would indicate duplicate responses from one person. In all, six duplicates were eliminated. All parent attorney surveys were scanned to verify that they represented parents. The vast majority of respondents answered most of the questions.
(a) Attorney Survey. The attorney survey was designed to be completed within 15 minutes and included multiple choice questions, Likert scale questions, and open-ended questions. The survey also invited attorneys to participate in follow-up interviews. The surveys (see Appendices F through I) were e-mailed with a cover letter from Chief Justice Marilyn S. Kite (see Appendix A) explaining the purpose of the survey and encouraging participation. The CJP obtained the names of attorneys currently being appointed to represent children and parents in child protection cases, supplemented with the names of county attorneys. Two attorney surveys were prepared: one for attorneys that represent parents at least part of the time and another slightly modified version for other attorneys representing only children or the agency.

The surveys included sections on Training, the Role of the Court, Representation in General, Compensation, and Improving Representation. The section on the Role of the Court focused on courtroom practices around the timely appointment of attorneys for parents. Attorneys were questioned regarding what stage of the proceedings attorneys were appointed for parents, how parents were determined to be eligible to have an attorney appointed to represent them, and the percentage of parents who were represented. To create a picture of the practice norms associated with parental representation, e.g., expectations and informal standards, attorneys were asked questions about how soon after appointment they usually attempted to make contact with their client, how often they represented parents through all stages of a child protection case, appellate representation, their practice in maintaining communication with their clients, reasons for continuances, and the scope of their representation.
Finally, attorneys were asked how quality parental representation improves outcomes for children and in what ways.

The survey was sent to a total of 229 attorneys for parents, children, and the county or state via e-mail. Fifty-five (55) attorneys, including 37 parents' attorneys and 18 children’s attorneys and prosecutors, completed the surveys for a 24% response rate.

(b) Judicial Officer Survey. The judicial officer survey (see Appendix H) followed a similar pattern, asking general background questions about experience on the bench, assignments, their child protection calendar, and the number of child protection cases heard in the past month. The introductory background section was followed by two sections specifically examining how they appoint parents' attorneys and their opinions about the quality of parental representation in their court. Judicial officers were asked about the factors they considered in deciding to appoint counsel, when they generally appointed counsel, their advisements to parents, the duration of their appointments, the frequency of appearances by substitute counsel, and compensation. Courtroom practice was explored through questions about how well attorneys appeared to be prepared for various hearings, the scope of advocacy, and the judicial officer’s overall appraisal of the quality of advocacy by attorneys who represented parents in his or her court, including their knowledge of current social science research, general competency, and comparisons with attorneys in other areas of law practice. The survey concluded with a small set of open-ended questions asking for opinions about the relationship between the quality of parental representation and outcomes for children,
their personal efforts to enhance or improve the quality of representation, and their suggestions for improving the quality of representation. They were also invited to participate in a follow-up interview.

Surveys were e-mailed to 22 district court judges and 55 district court commissioners. Twenty-three (23) judicial officers (15 judges and eight (8) district court commissioners) completed surveys for a 30% response rate. The response rate of judicial officers handling child welfare cases is likely higher. Many judicial officers in the state handle no child welfare cases; it seems likely those who do not handle child welfare cases would simply have not returned the survey. Two surveys were omitted because the judicial officers reported they did not handle child protection cases.

(c) Parent Survey. The parent survey (see Appendix F) focused on parents’ experience with their attorney during their most recent case (or in the past year). This survey was distributed largely in hard copy form, but also could be completed online. The challenge with these surveys was both in the distribution and the collection. The Wyoming CJP and assessment teams distributed surveys to parents with self-addressed stamped envelopes.

In addition, courts were contacted and asked to assist with survey distribution, and self-addressed stamped envelopes were provided to several courts. Attorneys from the e-mail lists were also asked to distribute surveys. In total, 38 parents’ surveys were returned, with four eliminated as duplicates.
The survey instructed that all questions were to be answered by parents in reference to their “last” or “most recent” child protection case. Background questions inquired about whether their case was still open, how long the case had been in court, and whether they hired counsel or had counsel appointed for them by the court. The remainder of the survey focused on their experience with the specific attorney. Questions asked included how soon they had been contacted by their attorney after appointment, their relationship with their attorney, communication with their attorney and his or her office, their opinion about the quality of representation they received or were receiving, their satisfaction with how their attorney raised and resolved the issues which were of most concern to them, and any participation in a parent support group(s). Parents were also offered an opportunity to participate further in the survey through a personal interview or focus group.

(d) DFS Survey. The DFS survey primarily focused on DFS observations of parents’ attorneys in their role. See Appendix I. Background information included questions about how long the individual had been employed with DFS and in what county. Specific questions requested information about when judges appoint attorneys, why attorneys ask for continuances, the amount of contact and communication between the attorney and the DFS worker, and what additional improvements could be made to improve the quality of parent representation. The survey was sent to 150 DFS staff members, with 47 completing surveys, for a response rate of 31%.
B. On-site Assessment

After extensive discussion, three counties were selected for on-site assessment: Laramie, Natrona, and Sweetwater Counties. During the week of February 28 - March 4, 2011, one two-person team from the ABA Center on Children and the Law, accompanied by the CPS Court Manager, conducted the on-site component of the assessment in Sweetwater County. During the week of March 7 - March 11, 2011, a second two-person team from the ABA Center on Children and the Law, accompanied by the CJP Director, conducted the on-site component of the assessment in Laramie and Natrona Counties. These three counties were selected to represent various demographics, court sizes, and models of appointment/compensation. There was preliminary discussion around visiting a fourth county to provide a more complete picture. However, given the small number of cases that would be available for court observation, the small number of relevant parties available for focus groups, and the brief time available for on-site visits, a fourth county was not included in the assessment.

In the three counties, arrangements for courtroom hearing and MDT meeting observations, personal interviews, and other meetings were made by the CPS Court Manager or CJP Director, preceded by an explanation of the assessment goals. Each team completed court observation forms for each court visited. See Appendix D. The specific questions in this form were drafted knowing that evidentiary hearings are a critical part of measuring quality of representation but do not present the total picture. Research and courtroom experience leaves no doubt that the courtroom environment,
including communication with the judge and the way in which the parent is received in
the courtroom, has a direct impact on the parent’s sense of being heard and respected,
and can encourage (or discourage) more engagement with social workers, community
resources, and counsel. Consequently, this form included questions about courtroom
appearance, waiting rooms, and interview space, as well as attorney activity outside of
the hearing, e.g., interviewing clients and social workers, conversations with other
counsel, and information gathering.

The court hearings observed varied in content and purpose. A summary of the
court observations can be found at Appendix K. In total, 12 hearings in two counties
were observed. For each hearing, the observation form included questions about type
of hearing, how the parents were treated, and the attorney’s interaction with the parents
to obtain a picture of the attorney-client relationship and the amount of parental
engagement. Advocacy was measured in terms of use of procedural tools, e.g.,
opening statements, discovery, evidentiary objections, citing legal authority in
arguments, presenting affirmative evidence, and understanding legal principles and
necessary Adoption and Safe Families Act (ASFA) findings. How the court explained its
findings and generally communicated with the parties, specifically the parents, were
also examined in detail, including any admonitions or encouragement from the bench.
Attorney contact with the parent after the hearing was also recorded.

On-site visits varied, but generally included courtroom observations,
multidisciplinary team (MDT) meeting observations, interviews with judicial officers,
focus groups discussions with attorneys appearing in the cases, and individual
interviews. In Sweetwater County, the assessment team held focus groups for parents, DFS caseworkers and supervisors, county attorneys, and parents’/children’s attorneys. In Natrona County, the assessment team held focus groups with DFS caseworkers and supervisors, as well as attorneys primarily serving as GALs. The assessment team offered a focus group for parents, but there were no participants. In Laramie County, the assessment team held focus groups with parents, DFS caseworkers and supervisors, and GALs. Members of the assessment teams held focus groups by telephone with CASA volunteers, attorneys general, and parents’ attorneys across the state.

Finally, the assessment team conducted 13 telephone interviews before and after the visits. Some phone interviews were made in an attempt to reach out to underrepresented areas, e.g., smaller rural counties. Others were follow-up interviews with individuals who had expressed interest in being involved in the study, but had been unavailable during the on-site visits.

II. Findings

A. ABA Standards

The assessment methodology was structured around the ABA Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases (hereinafter Parent Attorney Standards), which were adopted in 2006, and the findings below are organized in the same way. The Parent Attorney Standards were organized into the following sections for the assessment: (1) basic obligations, including a knowledge foundation in federal and state law, regulations, policies, and rules; (2) relationship with
the client; (3) court preparation; (4) courtroom advocacy in hearings and post-hearings; and (5) the organization of parent representation. See Appendix B.

(1) Basic Obligations of Attorneys. The Parent Attorney Standards require competency in core knowledge areas of law, federal and state regulations, ongoing training, access to research, and related resources. See Standards 1 – 2.

According to survey results, the overwhelming majority of Wyoming parents' attorneys (92%) reported they are not required to attend any special training to qualify for appointment to represent parents. Likewise, remaining eligible for court appointment does not generally require attending any annual or ongoing training. Although a majority of judicial officers (67%) stated they were generally satisfied with the “overall competency” of attorneys appointed to represent parents, less than half of them (42%) found that the attorneys were generally knowledgeable about research on specific topics such as substance abuse, mental health, and child development. A third of judicial officers (33%) found that it “depends on the attorney.”

Both offering more training and establishing training requirements were frequently identified as necessary to improving representation. A large majority of parents' attorneys reported that more training was either highly needed (40%) or somewhat needed (49%). Attorneys, judges, and agency workers concluded the areas in which parents' attorneys most need training is agency policies and procedures (72%), federal and state statutes and rules governing child protection (55%), and child development (51%).
To open-ended questions about training, numerous stakeholders responded that more or required training would be useful to improve representation of parents:

- "Training on how to represent a client in a non-adversarial/treatment court setting."
- "We need standards, training, and the same pay and treatment across the state."
- "Continued training for better understanding of the juvenile process."
- "Educate the attorneys who are working in the system. Educate the social workers for the state on the law and the role of the parent's attorney in the case."
- "Sensitivity training with DFS and county attorneys."
- "More specialized training."

A closed-ended question asked attorneys whether they had received training in 15 substantive areas.

- Nearly all attorneys reported receiving training in child neglect (97%) and physical abuse (94%). Many also received training about substance abuse (88%), domestic violence (85%), sexual abuse (79%), ethical issues in child protection (79%), mental health (74%), and federal and state statutes and regulations (71%).
- More than half of parents’ attorneys (50 – 65%) received training in child development, agency policies and procedures, evidence, termination of parental rights, education, and trial practice in child protection cases.
- Almost half (40 - 50%) received some training in cognitive development, cultural competence, and interstate placement of children.

Parents’ attorneys were asked an open-ended question about training received in the last 24 months. Attorneys reported attending training provided by CJP, the Wyoming GAL program, and/or national organizations covering a wide variety of topics. Complete results appear in Appendix J.
Several stakeholders raised the importance of training on the child abuse and neglect registry during interviews, noting a general lack of understanding of the process for being added or being removed from the list. "A huge problem is how clients get on child abuse registry. It is a DFS administrative action with limited right to a hearing. They need to be more transparent about how that works. It is devastating to some female clients." Some respondents noted clients are losing job, school, and scholarship opportunities because parents' attorneys do not have an adequate knowledge of how the registry works and cannot properly advise their clients. Attorneys also note a lack of clear information from the state on the registry.

Another area suggested for additional training is safety. Laramie County is participating in a "Signs of Safety" pilot with the University of Washington, and numerous survey participants commented on the benefits of this program and the need for more focus on safety. Attorneys need to understand the same information caseworkers are receiving, as well as any practice changes made as a result of participation in the pilot, so all parties understand the standards parents are being asked to achieve. Comments on safety decision making were made in other locations as well.

Therefore, the responses detailed above generally support a finding that parents' attorneys could improve their representation with additional training. Furthermore, with a program of required initial and ongoing training, Wyoming could ensure more attorneys have the core knowledge necessary for quality representation.
(2) Relationship with Client. The most extensive section of the Parent Attorney Standards relates to the attorney-client relationship. This section addresses the need for advocating for the client’s goals in accordance with the duty of loyalty owed to the client, providing the client with sufficient information to direct his or her case, maintaining confidentiality, engaging with cultural competence, and keeping continuous contact with the client despite changes in location/circumstances. The attorney-client relationship is the foundation of the ethical duties of any attorney. In child protection practice, rules of evidence are often relaxed by court rule or practice, and the burden to prove parental “fitness” is shifted to the parent from the moving party. To ensure parents receive the full procedural guarantees to which they are entitled, parents’ attorneys must establish strong relationships with clients.

This area of the assessment is one where data from parents and the legal community varied remarkably on many of the same questions. Some sampling bias may be inferred. It is quite possible that attorneys most committed to child protection were overrepresented in the surveys and they are more likely to be the attorneys working harder to maintain quality relationships with parents. Likewise, it is possible the parents most concerned that they received substandard representation were more impassioned about attending focus groups or completing surveys. However, given that this area is the area of most discrepancy between the parents and the stakeholder surveys, the results should be considered carefully.
Standards 10 and 11 require attorneys to regularly communicate with their client well before court and establish a system for maintaining communication. Fifty-four percent (54%) of parent attorneys indicated that they contact their clients within one day of being appointed and another 46% indicated they contact their clients within one week.

Parents’ reports varied. Only twenty-one percent (21%) of parents reported that they were contacted within a day, with 41% stating they were contacted within a week, and 24% stating they were contacted within one month.

All attorneys stated that they use telephone or voice mail to communicate, with 83% using letters and 46% using email. Only thirty-seven percent (37%) of attorneys meet with clients outside of the office, with 54% stating they maintain flexible office hours. Several attorneys reported parents do not provide alternate ways to contact them and do not provide essential information that could make communication between the attorney and his or her client easier and more frequent. One attorney stated that he tried to touch base "once a month" and gave "most of [his clients] my cell number."

By contrast, parents reported that attorneys keep in contact with them primarily through telephone and voicemail (74%), with only 35% using letters and 3% using email. Only six percent (6%) of parents reported that attorneys meet with them outside of the office or maintain flexible office hours, with the majority (65%) reporting that their attorney met with them “at court before hearings.” Asked if they received a "quick response" when they left a message with their attorney, less than half (41%) said always, with 25% saying sometimes, and the remaining 35% saying rarely or never.
The distinctively different perspectives on the attorney-client relationship are demonstrated in the charts below. Question 18 on the parents’ attorney survey read: “How do you maintain open lines of communication with respondent parent clients?”

<table>
<thead>
<tr>
<th>Answer Options</th>
<th>Response Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone/voice mail</td>
<td>100%</td>
</tr>
<tr>
<td>E-mail</td>
<td>46%</td>
</tr>
<tr>
<td>Letters</td>
<td>83%</td>
</tr>
<tr>
<td>Maintain flexible office hours</td>
<td>54%</td>
</tr>
<tr>
<td>Meet with client outside the office</td>
<td>37%</td>
</tr>
</tbody>
</table>

Similarly, question 11 on the parents’ survey read: “How did your lawyer keep in contact with you (check all that apply)?”

<table>
<thead>
<tr>
<th>Answer Options</th>
<th>Response Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone/voice mail</td>
<td>74%</td>
</tr>
<tr>
<td>E-mail</td>
<td>3%</td>
</tr>
<tr>
<td>Letters</td>
<td>35%</td>
</tr>
<tr>
<td>Maintained flexible office hours</td>
<td>6%</td>
</tr>
<tr>
<td>Met with me outside the office</td>
<td>6%</td>
</tr>
<tr>
<td>Met with me at court before hearings</td>
<td>65%</td>
</tr>
</tbody>
</table>

Numerous stakeholders confirmed a lack of communication between parents’ attorneys and their clients during interviews and focus groups, particularly in counties with a significant number of child welfare cases. Some stakeholders reported that the lack of communication between attorneys and clients resulted in parents requesting assistance from other stakeholders in contacting their attorney.
• “Just doesn’t have time to make the contacts.”

• “Don’t see much advocacy with communicating, just maybe MDTs, don’t get emails or phone calls. GAL doesn’t hear much unless change has been proposed and they don’t like it and then get communication about that.”

• “I am sure I don’t communicate with my clients as much as they would like.”

• “Parents cannot get in contact with attorneys. They will be hovering around the day of court.”

• “[The attorney] is hard to get a hold of; sometimes clients will ask DFS workers to give legal advice.”

• “There is not enough preparation time, communication is difficult.”

• “I leave messages [with parents’ attorneys] saying that if I don’t hear back from you, I assume it is okay to talk to your client.”

Parents in focus groups reported a wide range of experiences. One couple noted they only ever got their attorney’s voicemail, and after trying to communicate for two weeks regarding visitation, they contacted the social worker instead. By contrast, another parent stated about her attorney: “He was awesome… I would see him at his office…he would return calls right away at my home… he would explain everything that was going on… he would ease my conscience.”

One Judicial Officer noted: "They [attorneys] are not always prepared. I don't think they spend as much time as they should with the clients. Conferences are going on in the hallway before hearings and I think they should have been going on days before that in the attorney’s offices.”

There was general agreement among stakeholders that a good relationship between the attorney and client, of which a key component is frequent communication, can encourage the client to fully engage in services and with his or her case plan. Overall, although variation exists between attorneys’ and parents’ perceptions regarding
the attorney-client relationship, **current parent-attorney relationships are weakened by a lack of communication** and there appears to be consensus that parents generally want and need more communication from their attorneys between hearings, which is addressed more thoroughly in Court/Case Preparation below.

(3) **Court/Case Preparation.** Preparation is closely linked with courtroom advocacy. Standards 24 – 31 require attorneys to develop a case theory and strategy, research, timely file pleadings, engage in case planning, aggressively advocate for appropriate services and family-friendly visitation, prepare the client, and obtain witnesses and expert witnesses (as needed). Generally, survey respondents concluded that parents' attorneys are prepared for most courtroom appearances.

- Most judicial officers (67%) found attorneys for parents are as well prepared as attorneys in other types of civil litigation.

- Only a small percentage of judicial officers (19%) thought the preparation by parents’ attorneys is *less or much less* than what would be expected from attorneys practicing other types of civil litigation.

- Fewer judicial officers (10%) thought preparation by parents’ attorneys is *better* than attorneys practicing other types of civil litigation.

- A large majority of judicial officers agreed that attorneys are *always* prepared for adjudicatory and disposition hearings (89%), review hearings (74%), permanency hearings (79%), and TPR hearings (84%).

- By contrast, far fewer judicial officers found attorneys were *always* prepared for shelter care hearings (26%) and initial care hearings (42%). Five percent (5%) of judicial officers stated that attorneys were *never* prepared for shelter care hearings, with 32% and 37% stating attorneys were *rarely or sometimes* prepared for shelter care hearings respectively.
• A majority of parents (64%) reported their attorney was *always* prepared for court hearings, 12% said *sometimes*, and 24% said *rarely or never*.

Based on the survey results, attorneys appear least prepared for shelter care and initial hearings. This lack of preparation may be better explained by the fact that attorneys are often not yet appointed or just appointed at the shelter care or initial hearing. This issue is discussed further in Organization of Parents’ Representation.

Court preparation also depends on access to discovery and third party reports and information. Standard 9 under Role of the Court requires that courts “[e]nsure all parties, including the parent’s attorney, receive copies of court orders and other documentation.” Stakeholders across groups expressed concern that parents’ attorneys were not receiving important information in a timely fashion.

Specifically, although Juvenile Court Rule 3 addresses discovery and the parties’ right to access to information, numerous respondents (mostly attorneys) expressed concern about whether information was complete, conveyed as quickly as possible, and provided regularly post-adjudication. One judge stated: “I sometimes have concerns about DFS and the state’s information to the attorney – that line should be automatic. . . . Wish I had confidence that if DFS knows it, the parent’s attorney knows it.” Other comments regarding discovery and free flow of information included the following:

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**Nearly all parents’ attorneys concluded experts were somewhat (83%) or highly (11%) needed.**
• “Parent’s counsel is the ‘silent member.’ We don’t know things as quickly; as a matter of right we should hear about anything that is happening to kids.”

• “There should be one global release, so I can get information from DFS in a timely manner.”

• “The discovery rule requiring us to get information right away should extend into post-adjudication; we need to be higher up on the information pipeline.”

• “Juvenile rules need to be tweaked, especially about discovery.”

• “We need to be provided with copies of all reports shared among MDT members to properly represent clients.”

Responding to the question of what is most needed to better represent parents, a majority of parents’ attorneys (67%) reported that improved discovery was either somewhat or highly needed, with the remaining 32% stating it was not needed. Improving communication with the agency was also a high priority for parents' attorneys, with 77% reporting it was either somewhat or highly needed. Based on these responses, parents' attorneys feel hindered by a lack of timely information about the case from the other involved parties and believe discovery could be improved.

The parent attorneys’ survey also focused on case preparation outside of court appearances and other than on the day of the hearing. As the chart below shows, a large majority of parents’ attorneys reported that they always meet with the client before the day of the hearing (77%), talk to the agency caseworker (61%), review case records (83%), and speak to agency attorneys (75%). Question 21 on the parents’ attorney survey read: “In representing respondent parents, how often do you do the following on a date other than the day of the hearing?”
<table>
<thead>
<tr>
<th>Answer Options</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meet with your client</td>
<td>0%</td>
<td>0%</td>
<td>23%</td>
<td>77%</td>
</tr>
<tr>
<td>Talk to agency caseworker</td>
<td>0%</td>
<td>0%</td>
<td>39%</td>
<td>61%</td>
</tr>
<tr>
<td>Review case records</td>
<td>0%</td>
<td>0%</td>
<td>17%</td>
<td>83%</td>
</tr>
<tr>
<td>Speak to service providers</td>
<td>0%</td>
<td>0%</td>
<td>64%</td>
<td>36%</td>
</tr>
<tr>
<td>Investigate alternative placements/resources</td>
<td>0%</td>
<td>3%</td>
<td>50%</td>
<td>47%</td>
</tr>
<tr>
<td>Investigate potential independent witnesses</td>
<td>3%</td>
<td>14%</td>
<td>36%</td>
<td>47%</td>
</tr>
<tr>
<td>Speak to agency attorneys</td>
<td>0%</td>
<td>0%</td>
<td>25%</td>
<td>75%</td>
</tr>
</tbody>
</table>

Again, however, there is a discrepancy between the responses of parents’ attorneys and parents regarding contact before the hearing. Thirty-six (36) percent of responding parents said their attorney *never* meets with them on a day other than the day of a court hearing, 15% said *rarely*, 33% said *sometimes*, and 15% said *always*. On average, parents indicated that, between hearings, they have 1.5 in-person contacts with their attorney, 2.7 phone contacts, and 1.1 email contacts. Twenty-eight percent (28%) of those parents said they have no contact with their attorney.

Parents and parents’ attorneys, however, agree attorneys do regularly attend MDT meetings. Most parents (87%) reported their attorneys *always* attend MDT meetings, with 4% saying their attorneys *sometimes* attend, and 9% saying *never*. Similarly, nearly all parents’ attorneys (94%) said they *always* attend and 6% said they *sometimes* attend. This view was corroborated during the on-site visits, where assessment team members noted attorneys’ attendance in all MDT meetings involving a child protection matter.

Some individuals endorsed the idea that attorneys should routinely attend case planning meetings. One caseworker admitted that, although it would be "harder" if the parent’s attorney attends, "[t]hey should have legal advice before they sign."
caseworker noted that, if the parent's attorney participates, they could "argue with things in the case plan that are not related to safety." Stating that the parent's attorney should be present, one GAL noted: "Most decisions get made outside of court, parents are missing out because decisions are made outside of court, court is [a] rubber stamp."

Therefore, while the parents' attorneys are generally prepared for most court hearings and do a good job of participating with their clients in MDT meetings, there is an overall need for increased communication and advocacy outside of courtroom hearings so clients receive zealous advocacy.

(4) Courtroom Advocacy. The Parent Attorney Standards require that attorneys attend all hearings and be prepared and able, as appropriate, to make motions, objections, conduct cross-examination, make opening and closing statements, request closed proceedings, and prepare appeals. Both surveys to attorneys and judicial officers attempted to capture the respondents’ full experience about the quality of courtroom advocacy on behalf of parents.

- Most judicial officers (67%) are generally satisfied with the competence of attorneys representing parents in their courts and 14% are very satisfied.

- Judicial officers reported that in almost all (48%) or most (24%) hearings, parents' attorneys in contested cases present evidence or make arguments that are important to judicial officers’ findings or decisions.

- Parents’ attorneys rarely (54%) or never (11%) call expert witnesses, always (47%) or sometimes (44%) file written motions, always (58%) or sometimes (39%) make opening arguments, and always (72%) or sometimes (28%) make closing arguments.
During courtroom observations, witnesses offered testimony in 33% of hearings observed, parents testified in 42% of hearings observed, and attorneys appeared to have received relevant reports in 83% of hearings observed. See Appendix K.

Overall, attorneys are generally prepared for the events that follow the shelter care and initial hearings. The lack of preparation at the earlier hearings may be linked to the fact that attorneys are not appointed at the shelter care hearing in many areas. This deficiency is addressed in more detail in Organization of Parents’ Representation.

In addition, parents’ attorneys do not use experts and nearly all parents’ attorneys concluded experts were somewhat (83%) or highly (11%) needed.

(5) Organization of Parents’ Representation. In addition to addressing the obligations placed on parents’ attorneys, the Parent Attorney Standards address the organization of parent representation. These issues are primarily addressed in the sections on the Role of the Court and the Obligations of Attorney Managers.

(a) Early Representation. Standard 4, under Role of the Court, addresses the importance of early appointment and continuity of representation. It requires courts to “[e]nsure appointments are made when a case first comes before the court, or before the first hearing, and last until the case has been dismissed from the court’s jurisdiction.” Attorneys and social workers generally agreed that judges always inquire about whether parents have an attorney (87%) and always advise the parents of the availability of court-appointed attorney (91%). Parents agreed, with 88% stating that the
judge asked if they had an attorney and 91% reporting they were advised of their rights to have an appointed attorney.

According to the attorney, caseworker, and judicial officer surveys, attorneys are appointed at the shelter care hearing 13% of the time, at the adjudication hearing 26% of the time, at the initial hearing 58% of the time, at disposition 1% of the time, and at termination 2% of the time. Parents reported that their attorney was appointed “the first time [I] was in court” 61% of the time, at the court hearing “where the judge determined whether abuse or neglect occurred” 18% of the time, and at the dispositional hearing 3% of the time.

Parents’ eligibility for appointed counsel is based on responses to an income and expenses declaration. Sixty-four percent (64%) of judicial officers reported that they “[a]lways appoint if parents meet financial criteria.” Other factors judicial officers consider when deciding on appointment include request of the parent (59%), complexity of the case (23%), ability of the parent to represent him/herself at the proceedings (18%), request of an attorney (14%), and likelihood that the case will proceed to TPR (14%).

According to caseworkers, agency attorneys, and GALs surveyed, almost all parents are represented at dispositional hearings (89%), permanency hearings (91%), review hearings (89%), and hearings on termination of parental rights (97%). Parents
are represented far less frequently at shelter care hearings (13%) and less at initial hearings (70%).

The lack of consistent representation at shelter care hearings and initial hearings was a cause for concern in some interviews and focus groups. A few counties use an "on call" system or "limited appearances" to ensure parents receive representation at shelter care hearings, but this practice is not uniform. One attorney believed parents could often have their children returned at the shelter care hearing with proper representation. An attorney in a county that does not appoint attorneys for the shelter care hearing stated that representation would be beneficial because "it is all over after the shelter care hearing." Another attorney reported he was usually appointed after the shelter care hearing, and "have never been to a shelter care hearing as a parent's attorney." Others noted that representation at that stage was critical so the attorney would be aware of the first MDT and have the best chance to participate in it. One judge stated: "The appointment process could be coordinated across the state so that district courts are uniformly appointing counsel for respondent parents."

Both the data and stakeholder feedback indicate **appointment of attorneys across Wyoming is not consistent and many parents are going unrepresented at the shelter care hearing.** Standard 7, under Relationship with the Client, requires the attorney to "[a]dvocate for the client’s goals and empower the client to direct the representation and make informed decisions based on thorough counsel." Furthermore, the comment to this standard notes the attorney must "pursue [the client's goal] vigorously." Without being appointed to represent a client at the shelter care hearing,
the attorney cannot understand the client's goals, much less provide "vigorous" representation.

**b) Evaluation/Standards.** Standard 10 for Attorney Managers requires managers to “implement an attorney evaluation process.” Furthermore, Standards 2 and 3, under Role of the Court, urge courts to "[e]stablish uniform standards of representation for parents' attorneys" and ensure attorneys are "qualified, well-trained, and held accountable for practice that complies with these standards."

**Because there are generally no standards for serving as an attorney for parents in Wyoming child welfare cases, there is no evaluation process and no oversight.** Conversations with the various stakeholders indicate some judges do not believe they have a role in oversight of attorneys.

- "Judges are not the least bit interested in enforcing any kind of standards or getting involved in the administrative aspect at all."
- "If you are upset with the attorneys, there is no recourse except the judge and state bar."
- "In most places, no oversight, judges do not want to provide oversight."
- "Most judges think it is not their place to ask attorneys to do their job."
- "You need accountability, there is a complaint process for the GAL program. There is no role for judges in this."

There is, however, a void to be filled, as noted by some stakeholders:

- "Caseload numbers need to be realistic for attorneys and also expectations for the attorneys need to be clearly defined."
- "We need standards, training, and the same pay and treatment across the state, as Wyoming did with the GAL Program. Until we have this and counties are fully responsible, the system will continue to be broken, which ultimately, does not affect parents only, it affects the children."
• "I believe that the system for representing parents should be modeled after the GAL program in Wyoming, requiring CLE credits annually in the area of juvenile matters, creating a pool of attorneys who are managed by a central administrator or local supervising attorney, to handle case assignments and balance caseloads."

• "I think a standard should be promoted such as exists in other areas of law, that shows what good representation looks like."

It should also be noted that several respondents reject the idea of a centralized state-run system. (Please see Appendix J for specific comments.) Although there is demonstrated need for more oversight and support system for parents’ attorneys, the structure needs to be informed by Wyoming’s diversity and independence.

(c) Compensation. Attorney Manager’s Standard 3 and Role of the Court Standard 5 relate to ensuring parents’ attorneys receive competent and fair compensation. As previously noted, most counties in Wyoming pay parents’ attorneys by the hour and appoint from a list of attorneys who are willing to take the appointments. Compensation in these counties ranges from $60 - 100 per hour.

By contrast, the two counties with the largest number of cases, Laramie and Natrona, contract with a small number of attorneys who receive a set monthly fee for their work. In Laramie County, one attorney handles the contract and is the primary parents’ attorney, with a small group of rotating attorneys used as conflict counsel. Conflict attorneys are paid by the hour. In Natrona County, four attorneys share the

One social worker stated: "The way [parent representation] is set up is not in the best interest of the parents, it is in the best interest of the system."
contract and are paid a set monthly fee. Although it is hard to determine the exact hourly rate for attorneys in the two counties that provide yearly contracts to parents' attorneys, it seems unlikely that the hourly compensation would be any better and it seems more likely to fall within a lower hourly rate. One thing is clear: compensation is not uniform across Wyoming.

Data indicates that many attorneys are dissatisfied with the compensation structure. The compensation provided for attorneys who represent parents was described as inadequate by 40% of all survey respondents, with 36% finding compensation adequate and 23% having no opinion. The majority of parents' attorneys (57%) stated their compensation did not reflect the complexity of the cases.

In response to an open-ended question about how to improve representation, many respondents recommended better compensation. Compensation was also raised in individual interviews and focus groups. The vast majority of those who responded to the open-ended question and participated in interviews stated that counties should pay an hourly rate and increase that rate. Sample responses to the question what compensation formula would you recommend include the following:

- "Rates similar to an average attorney billable hour."
- "Whatever amount draws quality private attorneys to do the work."
- "Should be paid what public defenders gets paid."
- "There's absolutely no excuse for paying court-appointed attorneys, including GALs, any less that $100-125 per hour."
• "I believe that anything below $100 an hour is not reasonable for experienced attorneys. Raise the hourly rate. Extremely affects quality."

• "Closer to the community average would be better."

• "Natrona needs to move away from the contract attorney system and pay private attorneys for their time at a reduced rate."

• "Statewide average attorney hourly rates."

Generally, individuals responding to this question suggested a rate between $100 – 150 per hour.

In addition, many individuals, including five judicial officers, who responded to the open-ended question what can be done to improve the representation of respondent parents in child protection cases cited better compensation.

• "Develop a cadre of attorneys who are given incentives to obtain specialized education and training and compensate them accordingly."

• "Increase compensation."

• "Pay more attorney fees."

• "Pay enough to obtain quality representation."

• "Better compensation for attorneys."

• "An increase in hourly pay will attract more qualified attorneys."

• "Better pay to entice other attorneys to be willing to do the work."

Individuals who participated in the on-site interviews, telephone interviews, and focus groups echoed the survey sentiments:

• "More experienced attorneys are not willing to take the job because it doesn’t pay enough."
• "Need to be sure you are paying people enough to make it worth their while and stay with it."

• "More money is needed for more attorneys to do it full-time."

• "We need to be able to pay them more to keep quality up."

• A lack of good compensation "attracts attorneys who can't get work anywhere else."

Therefore, based on the survey results, not only do compensation rates vary widely, many individuals believe there is a correlation between higher compensation and better representation.

III. Recommendations

These recommendations derive from the assessment, the analysis of the assessment team and Parents Representation Committee, and the growing research on court performance standards and representation. Data from promising programs in Washington State and New York City presents significant support for the principle that better representation for parents improves outcomes for children.

The special nature of child protection proceedings and the multiple interests which require protection, the broad impact of the courts’ decisions on families, and the complexity of the evidence produce a situation in which the failure of one party to be fully represented diminishes the quality of the overall evidence before the court and may result in inappropriate or untimely decisions. The life-long impact on children and families of removing children from their homes, placing them with strangers in communities which may be entirely foreign to them, separating them from their primary caretakers, and potentially terminating their legal relationship with their parents must be
given serious consideration in examining these recommendations. The extent to which implementation of these recommendations may be driven by budgetary and resource constraints rests with the state and county government, the courts, and the citizens of Wyoming.

Therefore, based on the assessment findings and analysis, Wyoming should consider implementing the following recommendations to improve the representation of parents in child protection cases.

(1) Improve Training. Though surveys and interviews reveal that the CJP offers quality trainings, including web-based training, and attorneys do participate in some trainings, there is support for the conclusion that additional training is needed to ensure parents in Wyoming receive appropriate legal representation. **Wyoming should consider establishing training requirements and improve delivery of training through the following:**

(a) establish mandatory minimum training and continuing legal education requirements for parents’ attorneys that include specific requirements regarding training directly related to the representation of parents;

(b) develop a multi-year training plan to increase the frequency of training for parents’ attorneys. Training should be made as convenient and useful for attorneys as possible, e.g., court should not be in session on training days; some training could be delivered through the Internet, e.g., BlogTalkRadio, and/or in modules that local Bar Associations could include in their training calendar; and
(c) regionalize multidisciplinary trainings for attorneys, social workers, and service providers on legal and substantive topics, e.g., the child abuse and neglect registry, DFS practice such as the "Signs of Safety" program, federal and state statutes and rules, mental health services, ICWA, behavioral health assessments, ICPC, bonding and attachment, family engagement, case planning, and substance abuse.

(2) Improve Compensation. Adequate compensation is a key element of attracting and retaining attorneys who can and will provide high quality representation to parents. Given the variations in rates around the state, **Wyoming should review its compensation levels and ensure parents' attorneys receive compensation that is commensurate with the complexity of the cases.**

(3) Administrative Structure. **Wyoming should adopt an administrative structure for the representation of parents.** The assessment data above shows a wide range of practice regarding the appointment and compensation of attorneys, case preparation, oversight, and out-of-court advocacy among Wyoming courts. This assessment also reveals that county governments and judicial officers often struggle to address these issues without state support. While remaining attuned to the unique features of Wyoming and the differences between the more populated counties and the more rural counties, data also reveals many common issues. With an entirely county-based system, each court works in isolation to address improvements and does not benefit from potential shared resources. The structures listed below have proven successful in other jurisdictions and can be modified to reflect the unique features of Wyoming. However, any of the administrative structures below must address the issues
in the remaining recommendations below and address inadequate compensation via a pay structure that ensures attorneys representing parents receive pay parity with attorneys representing indigent persons in other case types.

One of the following administrative structures could address these issues:

(a) County Panel with Case Manager Support. In this model, the county would continue to determine the method of attorney appointment, but would include use of a case manager/managing attorney to provide logistical support and oversight for parents’ attorneys. This support would include oversight of contract requirements, compliance with standards, and training obligations. This model could be incorporated with (4) below, as part of any expansion of the successful Sweetwater County Children’s Justice Project.

(b) Models Using State Support.

(i) Statewide Institutional System. Like a public defense system in many states or legal aid providers in larger metropolitan areas, this model would primarily use salaried staff attorneys to provide legal representation. This model would provide the benefits of in-house supervision, training, and support staff such as investigators, social workers, paralegals, and parent partners.

(ii) Office of Parent Representation. This model relieves the counties of the administrative responsibilities for managing a panel of attorneys, but could leave financial responsibilities with the counties. While this office would have full-time staff to address systemic issues in child protection cases, it would provide representation primarily through contract attorneys. Examples of this model are found
through the Connecticut Office of Chief Child Protection Attorney (CCPA)/Commission on Child Protection (COCP)\textsuperscript{28} and the Arkansas Parents Counsel Program.\textsuperscript{29} 

These programs share common elements: (1) oversight of parent representation by an individual hired on a full-time basis for this purpose; (2) use of a uniform statewide contract based on standards adopted to guide parent representation; and (3) requirements of specialized training for parent attorneys. Housing an Office of Parent Representation or similar program within an existing agency could reduce overhead costs. For example, the Connecticut office originated as part of the Office of the Chief Public Defender. 

\textit{(iii) Hybrid Model.} A combination of the Statewide Institutional System and Office of Parent Representation models is also possible. This hybrid model would use a combination of staff attorneys and contract attorneys, as well as social workers, investigators, paralegals, and parent partners. Regardless of regional variations

\textsuperscript{28} CCPA/COPC is a statewide office overseeing representation for children and parents in child protection, custody, and support cases. With nine full-time staff members (at last report), CCPA/COPC has achieved remarkable improvements in child welfare representation. In 2007 – 2008, CCPA/COPC contracted with over 250 attorneys, most of whom are solo practitioners. CCPA/COPC also contracts with firms and organizations. Through these contracts CCPA/COPC provided representation in over 16,000 cases in 2008. Some of the ways CCPA/COPC works to improve the quality of representation are: performance evaluation of contracted attorneys; ensuring fair compensation; ensuring attorneys have support staff such as social workers; organizing substantive training; working to reduce high case loads; and, acting as a liaison between the public agency and the contracting attorneys over systemic issues. For more information see \url{http://www.ct.gov/CCPA/cwp/view.asp?a=2587&q=315048}.

\textsuperscript{29} The Arkansas Parent Counsel Program contracted with 60 attorneys in 2010 to represent parents in dependency-neglect cases. The Parent Counsel Program is directed by an individual attorney who contracts with the state on a full-time basis and oversees recruitment, training, technical assistance, and legal assistance to parent counsel contractors. The Parent Counsel Director provides ongoing monitoring to determine compliance with the Standards of Practice and contract provisions. Parent counsel contractors have access to a listserv where they can request and share information. For more information, see \url{http://courts.state.ar.us/juvenile/parent_counsel.cfm}. 

51
between in-house and contract attorneys, a hybrid model would require some statewide organization to provide the type of oversight and organization described in (b).

In Massachusetts, the representation of parents in protective custody cases is housed within the Committee for Public Counsel Services (CPCS),\(^{30}\) the state entity responsible for providing legal services in civil and criminal matters for indigent persons as required by Massachusetts or federal law. Although most representation is provided by contract attorneys, the program uses staff attorneys in seven locations. Attorneys take appointments for both children and parents.

Programs in operation in other states as described above offer Wyoming the opportunity to avoid the cost of “reinventing the wheel” and to adopt an administrative structure that offers the possibility of significant near-term improvements in the quality of parental representation in child protection cases, as well as overall improved outcomes for children and families.

(4) Expansion of the Sweetwater County Children’s Justice Project. As previously noted, the CJP is supporting a pilot project in Sweetwater County. The pilot includes special trainings to orient new attorneys and social workers, and use of an automated case management program. A component of the pilot is a part-time court

\(^{30}\) The Children and Family Law Division (CAFL) is responsible for the recruitment, training, certification, and supervision of all attorneys under contract. Admission is by application only and requires satisfactory completion of a five-day training program combining substantive law and trial skills. Upon completion of the training, attorneys are assigned to an experienced CAFL attorney for mentoring and support. Caseload is limited to 75 clients at any one time; compensation is based on a hourly rate which includes case preparation. Attorneys can hire social workers and other experts to assist them with case preparation and investigation. Social workers are considered to be critical to maintaining the quality of representation, keeping caseloads manageable and controlling costs. Social workers are used to evaluate clients and services, negotiate open adoption agreements, and monitor case plans and the quality of services provided to clients. Regional coordinators are also available to the attorneys to provide advice and technical assistance. For more information, see http://www.publiccounsel.net/Practice_Areas/cafl_pages/civil_cafl_index.html.
case manager. This individual expedites parents’ application for counsel, works to get the attorney appointed as quickly as possible, coordinates schedules, and ensures important information is communicated among the parties. This pilot has improved outcomes for children by significantly reducing the time children spend in care and Wyoming should consider replicating components of this pilot project.

(5) Wyoming should adopt standards that recognize the special challenges of representing parents and acknowledge the importance of this practice area. These rules should contain standards comparable to those adopted for GALs, and should address client contact, out-of-court preparation, discovery, and increased oversight. The assessment demonstrates a lack of knowledge on the part of parents’ attorneys about what is happening with their clients between court and MDT appearances. Providing zealous advocacy in court, while critical, is an incomplete measure of competent representation. This practice area has strict time frames that require coordination and cooperation with third parties, and a unique relationship with a public agency as a party with whom a client has to cooperate to achieve desired ends, e.g., reunification or a desired alternative plan that would avoid termination of parental rights. They should address the roles of the county attorneys, DFS, and parents’ attorneys in ensuring timely and regular discovery.

In addition, more attention from judicial officers to each attorney’s apparent preparation and the relationship between the parent and the attorney could improve overall representation. For example, direct advisements from the bench to parents about working closely with his or her attorney are important. Providing an internal
mechanism to receive complaints about problems in communication between attorney and client should also be considered as a way to reinforce enhanced judicial oversight. Judges must set the tone that parents and their attorneys are valued, and positive outcomes for families consistent with the fair and equitable administration of law are the central focus of the court.

(6) Wyoming should require appointment of counsel before the first hearing for all parents in a child protection case, and consider adopting a Rule of Court addressing this issue. Effective legal representation at the shelter care and initial hearings is needed to ensure children are only removed when absolutely necessary and parents’ rights are protected. Critical decisions about whether the child needs to be removed in the first place, where the child will be placed, initial visitation decisions, and the first (or next) MDT meeting will be made at the shelter care hearing and the initial hearing. Without an attorney, a parent is at a disadvantage.

(7) Either as part of the administrative structure’s responsibilities or independently, Wyoming should consider periodically surveying local practices regarding compensation, screening, appointment, use of standards, and case management. By sharing this information on a regular basis, court administrators and county policy makers could compare local practices with other counties and incorporate features that might improve their management of the attorney panel and the representation of parents.

(8) Discovery. At the state or local levels, standing orders or memoranda of understanding should be adopted to ensure that discovery takes place in a timely and
routine manner. These should reinforce the existing discovery rule, focusing on the responsibilities of DFS, county attorneys and parents’ attorneys.

(9) Wyoming should evaluate the effect of improved representation on case outcomes over time. This evaluation would include gathering baseline case data such as time frames, case type, outcomes, and information about the legal representation provided, and periodic follow-up on new and original cases after planned improvements in parent representation have occurred. Existing DFS or court data systems should be explored to determine if needed data elements already exist or if existing systems could be modified to include needed elements. Examples of outcome evaluations can be found in the reports on Washington’s website at http://www.opd.wa.gov/ParentsRepresentation/PRP-history.HTM.

IV. Conclusion

This assessment revealed many strengths and challenges. The depth of participation by judicial officers, attorneys, parents, caseworkers, and other stakeholders in this assessment show that many in Wyoming have a strong commitment to preserving families. Wyoming should seize on the interest and attention of these stakeholders; not only because parents have the right to quality representation, but because children have a right to be raised by their family.
Appendix A

Letter from Justice Kite

February 2, 2011

Honorable ______________
District Judge
Address

Dear Judge ______________:

The Wyoming Supreme Court Children’s Justice Project (CJP) recently partnered with the American Bar Association Center on Children and the Law (ABA) to conduct a needs assessment of legal representation provided to respondent parents in child protection proceedings. I am writing to ask for your participation in this assessment.

This assessment provides an exciting opportunity to obtain information from all stakeholders in child protection proceedings and to identify areas of need for attorneys and the courts. The ABA will distribute surveys, conduct focus groups, observe court proceedings and interview professionals throughout Wyoming’s child welfare/juvenile court community.

Your participation is critical to the success of this assessment, and I encourage you to participate in any way you can. If you are interested in joining a focus group or being interviewed by the ABA, please contact Anne Reiniger, CJP Project Consultant, at areiniger@courts.state.wy.us. She will connect you with the ABA team.

Thank you for your time and willingness to share your thoughts and experiences on this very important topic. Your participation is greatly appreciated.

Sincerely,

Marilyn S. Kite
Chief Justice
Appendix B

ABA Standards

ABA Standards of Practice for Attorneys
Representing Parents in Abuse and Neglect Cases

Basic Obligations: The parent’s attorney shall:

General:

1. Adhere to all relevant jurisdiction-specific training and mentoring requirements before accepting a court appointment to represent a parent in an abuse or neglect case.

2. Acquire sufficient working knowledge of all relevant federal and state laws, regulations, policies, and rules.

3. Understand and protect the parent’s rights to information and decision making while the child is in foster care.

4. Actively represent a parent in the pre-petition phase of a case, if permitted within the jurisdiction.

5. Avoid continuances (or reduce empty adjournments) and work to reduce delays in court proceedings unless there is a strategic benefit for the client.

6. Cooperate and communicate regularly with other professionals in the case.

Relationship with the Client:

7. Advocate for the client’s goals and empower the client to direct the representation and make informed decisions based on thorough counsel.

8. Act in accordance with the duty of loyalty owed to the client.

9. Adhere to all laws and ethical obligations concerning confidentiality.

10. Provide the client with contact information in writing and establish a message system that allows regular attorney-client contact.

11. Meet and communicate regularly with the client well before court proceedings. Counsel the client about all legal matters related to the case, including specific allegations against the client, the service plan, the client’s rights in the pending proceeding, any orders entered against the client and the potential consequences of failing to obey court orders or cooperate with service plans.

12. Work with the client to develop a case timeline and tickler system.
13. Provide the client with copies of all petitions, court orders, service plans, and other relevant case documents, including reports regarding the child except when expressly prohibited by law, rule or court order.

14. Be alert to and avoid potential conflicts of interest that would interfere with the competent representation of the client.

15. Act in a culturally competent manner and with regard to the socioeconomic position of the parent throughout all aspects of representation.

16. Take diligent steps to locate and communicate with a missing parent and decide representation strategies based on that communication.

17. Be aware of the unique issues an incarcerated parent faces and provide competent representation to the incarcerated client.

18. Be aware of the client’s mental health status and be prepared to assess whether the parent can assist with the case.

Investigation:

19. Conduct a thorough and independent investigation at every stage of the proceeding.

20. Interview the client well before each hearing, in time to use client information for the case investigation.

Informal Discovery:


22. Obtain all necessary documents, including copies of all pleadings and relevant notices filed by other parties, and information from the caseworker and providers.

Formal Discovery:

23. When needed, use formal discovery methods to obtain information.

Court Preparation:

24. Develop a case theory and strategy to follow at hearings and negotiations.

25. Timely file all pleadings, motions, and briefs. Research applicable legal issues and advance legal arguments when appropriate.

26. Engage in case planning and advocate for appropriate social services using a multidisciplinary approach to representation when available.

27. Aggressively advocate for regular visitation in a family-friendly setting.

28. With the client’s permission, and when appropriate, engage in settlement negotiations and mediation to resolve the case.

29. Thoroughly prepare the client to testify at the hearing.
30. Identify, locate and prepare all witnesses.

31. Identify, secure, prepare and qualify expert witness when needed. When permissible, interview opposing counsel’s experts.

**Hearings:**

32. Attend and prepare for all hearings, including pretrial conferences.

33. Prepare and make all appropriate motions and evidentiary objections.

34. Present and cross-examine witnesses, prepare and present exhibits.

35. In jurisdictions in which a jury trial is possible, actively participate in jury selection and drafting jury instructions.

36. Request closed proceedings (or a cleared courtroom) in appropriate cases.

37. Request the opportunity to make opening and closing arguments.

38. Prepare proposed findings of fact, conclusions of law and orders when they will be used in the court’s decision or may otherwise benefit the client.

**Post Hearings/Appeals:**

39. Review court orders to ensure accuracy and clarity and review with client.

40. Take reasonable steps to ensure the client complies with court orders and to determine whether the case needs to be brought back to court.

41. Consider and discuss the possibility of appeal with the client.

42. If the client decides to appeal, timely and thoroughly file the necessary post-hearing motions and paperwork related to the appeal and closely follow the jurisdiction’s Rules of Appellate Procedure.

43. Request an expedited appeal, when feasible, and file all necessary paperwork while the appeal is pending.

44. Communicate the results of the appeal and its implications to the client.

**Obligations of Attorney Managers:**

**Attorney Managers are urged to:**

1. Clarify attorney roles and expectations.

2. Determine and set reasonable caseloads for attorneys.

3. Advocate for competitive salaries for staff attorneys.

4. Develop a system for the continuity of representation.
5. Provide attorneys with training and education opportunities regarding the special issues that arise in the client population.

6. Establish a regular supervision schedule.

7. Create a brief and forms bank.

8. Ensure the office has quality technical and support staff as well as adequate equipment, library materials, and computer programs to support its operations.

9. Develop and follow a recruiting and hiring practice focused on hiring highly qualified candidates.

10. Develop and implement an attorney evaluation process.

11. Work actively with other stakeholders to improve the child welfare system, including court procedures.

**Role of the Court**

**The Court is urged to:**

1. Recognize the importance of the parent attorney’s role.

2. Establish uniform standards of representation for parents’ attorneys.

3. Ensure the attorneys who are appointed to represent parents in abuse and neglect cases are qualified, well-trained, and held accountable for practice that complies with these standards.

4. Ensure appointments are made when a case first comes before the court, or before the first hearing, and last until the case has been dismissed from the court's jurisdiction.

5. Ensure parents’ attorneys receive fair compensation.

6. Ensure timely payment of fees and costs for attorneys.

7. Provide interpreters, investigators and other specialists needed by the attorneys to competently represent clients. Ensure attorneys are reimbursed for supporting costs, such as use of experts, investigation services, interpreters, etc.

8. Ensure that attorneys who are receiving appointments carry a reasonable caseload that would allow them to provide competent representation for each of their clients.

9. Ensure all parties, including the parent’s attorney, receive copies of court orders and other documentation.

10. Provide contact information between clients and attorneys.

11. Ensure child welfare cases are heard promptly with a view towards timely decision making and thorough review of issues.
# APPENDIX C

Wyoming Supreme Court/Children’s Justice Project  
County Survey of Parent Representation  
Updated February 22, 2011

<table>
<thead>
<tr>
<th>Questions</th>
<th>JD1</th>
<th>JD2</th>
<th>Carbon</th>
</tr>
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<tbody>
<tr>
<td>How do you select attorneys for parents? What is the total number of attorneys who take appointments in your county?</td>
<td>One (1) attorney has contract with county. If contracted attorney has conflict, court selects from 5 other attorneys.</td>
<td>JA emails local counsel and the first one to respond with availability is appointed. About 5 attorneys.</td>
<td>Revolving list—they have four attorneys who take cases/2 from Carbon and 2 from Albany</td>
</tr>
<tr>
<td>At what point in the case is the parent attorney appointed? (i.e., upon filing of the petition, before shelter care hearing, before initial hearing, before adjudication, other)</td>
<td>Provisionally appoint attorney to appear at the shelter care hearing.</td>
<td>Not sure.</td>
<td>After the Shelter care/Initial hearing or any time in the proceeding where parent requests and meets financial eligibility</td>
</tr>
<tr>
<td>What is the rate of pay for court appointed attorneys? Is it hourly or flat? Does the pay rate differ based on experience?</td>
<td>Paid monthly sum ($3,333) regardless of number of cases. Otherwise, $90/hour for conflict attorneys.</td>
<td>$100/hr</td>
<td>$80/hour</td>
</tr>
<tr>
<td>Is there a pay cap? If yes, what is it?</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>What was the yearly cost to the county for court appointed attorneys for parents in child abuse &amp; neglect cases in juvenile court for FY08 (7/1/08 – 6/30/09) and FY09 (7/1/09 – 6/30/10)</td>
<td>FY08= $40,000 plus amount of non-contracted attorneys (amount unknown) FY09 = $40,000 plus amount of non-contracted attorneys (amount unknown)</td>
<td>FY08= $17,681.17 FY09= $13,545.51</td>
<td>$124,000/year consistently over the last few years.</td>
</tr>
<tr>
<td>County</td>
<td>List of attorneys who have indicated they are willing to represent parents. We try to appoint them on a rotating basis. Clerk of Court’s office does this. About</td>
<td>Upon filing of an affidavit for court-appointed attorney</td>
<td>$70/hr</td>
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<tr>
<td>----------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------</td>
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</tr>
<tr>
<td>Lincoln</td>
<td>6.</td>
<td>$100.00/hour, not dependent on experience and not different for in-court vs. out-of-court work</td>
<td></td>
</tr>
<tr>
<td>Sweetwater</td>
<td>10.</td>
<td>Upon filing of an affidavit for court-appointed attorney</td>
<td>$70/hr</td>
</tr>
<tr>
<td>Uinta</td>
<td>3.</td>
<td>Payment is same for in-court and out-of-court time. Attorneys 0 to 5 years experience - $75.00 an hour Attorneys 6 to 10 years experience - $85.00 an hour Attorneys over 10 years experience - $100.00 an hour</td>
<td></td>
</tr>
<tr>
<td>Johnson</td>
<td>3.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**FY2008** - $38,112.30
**FY2009** - $44,577.73
<table>
<thead>
<tr>
<th>County</th>
<th>List of attorneys who have indicated they are willing to represent parents.</th>
<th>Payment is same for in-court and out-of-court time.</th>
<th>Attorneys 0 to 5 years experience - $75.00 an hour</th>
<th>Attorneys 6 to 10 years experience - $85.00 an hour</th>
<th>Attorneys over 10 years experience - $100.00 an hour</th>
<th>FY2008 - $45,272.57</th>
<th>FY2009 - $27,271.41</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheridan</td>
<td>List of attorneys who have indicated they are willing to represent parents. We try to appoint them on a rotating basis. There are 3 attorneys. When a petition is filed, parents are provided a financial affidavit form to be completed if they want a court-appointed attorney. Very few do so immediately. Most wait until the last minute before a hearing and usually only if DFS reminds them to do so.</td>
<td>Payment is same for in-court and out-of-court time.</td>
<td>Attorneys 0 to 5 years experience - $75.00 an hour</td>
<td>Attorneys 6 to 10 years experience - $85.00 an hour</td>
<td>Attorneys over 10 years experience - $100.00 an hour</td>
<td>FY2008 - $45,272.57</td>
<td>FY2009 - $27,271.41</td>
</tr>
<tr>
<td>JDS</td>
<td>JA calls list of attorneys who are willing to accept appointments. The judge will select the attorney. About 5 attorneys.</td>
<td>Payment is same for in-court and out-of-court time.</td>
<td>Attorneys 0 to 5 years experience - $75.00 an hour</td>
<td>Attorneys 6 to 10 years experience - $85.00 an hour</td>
<td>Attorneys over 10 years experience - $100.00 an hour</td>
<td>FY2008 - $45,272.57</td>
<td>FY2009 - $27,271.41</td>
</tr>
<tr>
<td>Big Horn</td>
<td>JA calls list of attorneys who are willing to accept appointments. The judge will select the attorney. About 5 attorneys.</td>
<td>Payment is same for in-court and out-of-court time.</td>
<td>Attorneys 0 to 5 years experience - $75.00 an hour</td>
<td>Attorneys 6 to 10 years experience - $85.00 an hour</td>
<td>Attorneys over 10 years experience - $100.00 an hour</td>
<td>FY2008 - $45,272.57</td>
<td>FY2009 - $27,271.41</td>
</tr>
<tr>
<td>Hot Springs</td>
<td>JA calls list of attorneys who are willing to accept appointments. Only 2 attorneys.</td>
<td>Payment is same for in-court and out-of-court time.</td>
<td>Attorneys 0 to 5 years experience - $75.00 an hour</td>
<td>Attorneys 6 to 10 years experience - $85.00 an hour</td>
<td>Attorneys over 10 years experience - $100.00 an hour</td>
<td>FY2008 - $45,272.57</td>
<td>FY2009 - $27,271.41</td>
</tr>
<tr>
<td>Park</td>
<td>JA calls list of attorneys who are willing to accept appointments. 14 attorneys.</td>
<td>Payment is same for in-court and out-of-court time.</td>
<td>Attorneys 0 to 5 years experience - $75.00 an hour</td>
<td>Attorneys 6 to 10 years experience - $85.00 an hour</td>
<td>Attorneys over 10 years experience - $100.00 an hour</td>
<td>FY2008 - $45,272.57</td>
<td>FY2009 - $27,271.41</td>
</tr>
<tr>
<td>Washakie</td>
<td>JA calls list of attorneys who are willing to accept appointments. The Judge tells who to call.</td>
<td>Payment is same for in-court and out-of-court time.</td>
<td>Attorneys 0 to 5 years experience - $75.00 an hour</td>
<td>Attorneys 6 to 10 years experience - $85.00 an hour</td>
<td>Attorneys over 10 years experience - $100.00 an hour</td>
<td>FY2008 - $45,272.57</td>
<td>FY2009 - $27,271.41</td>
</tr>
</tbody>
</table>

June 30, 2009 = $19,824 (original budget $15,000)
June 30, 2010 = $21,500 (original budget $15,000)
FY08-09 = $78,993.61
FY09-10 = $63,542.33

No. The judge just reviews the amounts as they are charged to see if they are reasonable.
<table>
<thead>
<tr>
<th>County</th>
<th>Roster of attorneys who are available for appointment.</th>
<th>Generally it is at the initial hearing or shelter care hearing that the parents request an attorney. It's not very often that they come in ahead of time to request counsel.</th>
<th>Less than 2 years experience: $80/hour 2-6 years experience: $90/hour Six plus years experience: $100/hour</th>
<th>FY08 = unknown FY09 = unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>JD6</td>
<td>Weston</td>
<td>Generally it is at the initial hearing or shelter care hearing that the parents request an attorney. It's not very often that they come in ahead of time to request counsel.</td>
<td>Less than 2 years experience: $80/hour 2-6 years experience: $90/hour Six plus years experience: $100/hour</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Not available</td>
</tr>
<tr>
<td>Campbell</td>
<td>Roster of attorneys who are available for appointment from Gillette.</td>
<td>More than likely at initial they will request an attorney. Then hearing is continued.</td>
<td>Up to five years: $60/hour More than 6 years experience: $75/hour</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Not available</td>
</tr>
<tr>
<td>Crook</td>
<td>Roster of attorneys who are available for appointment from Gillette.</td>
<td>Generally it is at the initial hearing or shelter care hearing that the parents request an attorney. It's not very often that they come in ahead of time to request counsel.</td>
<td>Less than 2 years experience: $80/hour 2-6 years experience: $90/hour Six plus years experience: $100/hour</td>
<td>FY09 = $8,000 FY10 = $3,700</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weston</td>
<td>Roster of attorneys who are available for appointment.</td>
<td>Generally it is at the initial hearing or shelter care hearing that the parents request an attorney. It's not very often that they come in ahead of time to request counsel.</td>
<td>Less than 2 years experience: $80/hour 2-6 years experience: $90/hour Six plus years experience: $100/hour</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Not available</td>
</tr>
<tr>
<td>JD7</td>
<td>4 attorneys on contract including one supervisor.</td>
<td>Before initial hearing.</td>
<td>$50,000/year</td>
<td>FY08= $500,000 FY09= $200,000</td>
</tr>
<tr>
<td>Natrona</td>
<td>4 attorneys on contract including one supervisor.</td>
<td>Before initial hearing.</td>
<td>$50,000/year</td>
<td>N/A</td>
</tr>
<tr>
<td>JD8</td>
<td>Rotational basis – those attorneys willing to do it. About 4-5 attorneys.</td>
<td>Rotational basis – those attorneys willing to do it. About 4-5 attorneys.</td>
<td>$100/hour – out of county attorney’s budget.</td>
<td>Not available</td>
</tr>
<tr>
<td>Converse</td>
<td>Rotational basis – those attorneys willing to do it. About 4-5 attorneys.</td>
<td>Rotational basis – those attorneys willing to do it. About 4-5 attorneys.</td>
<td>$100/hour – out of county attorney’s budget.</td>
<td>Not available</td>
</tr>
<tr>
<td>County</td>
<td>Method</td>
<td>Rate</td>
<td>Availability</td>
<td>Notes</td>
</tr>
<tr>
<td>----------</td>
<td>------------------------------------------------------------------------</td>
<td>----------</td>
<td>---------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Goshen</td>
<td>Rotational Basis with those attorneys willing to do it.</td>
<td>$100/hour</td>
<td>$100/hour</td>
<td>After the affidavit is filed. During the initial hearing.</td>
</tr>
<tr>
<td>Niobrara</td>
<td>Trying to find an attorney that is available on that day.</td>
<td>$100/hour?</td>
<td>?</td>
<td>After the affidavit is filed. During the initial hearing.</td>
</tr>
<tr>
<td>Niobrara</td>
<td>A couple of local attorneys and one out of county attorney willing to take assignments. Either judge or county attorneys asks if they will take on representation. A lot of conflicts.</td>
<td>$100/hour?</td>
<td>?</td>
<td>Request an attorney and fill out affidavit at shelter care or show up at initial and decide they need an attorney. District Court Commissioner, Bill Vines, does it. Initial hearing continued until appointment made.</td>
</tr>
<tr>
<td>Platte</td>
<td>Rotational Basis with those attorneys willing to do it.</td>
<td>$100/hour</td>
<td>No</td>
<td>After the affidavit is filed. During the initial hearing.</td>
</tr>
<tr>
<td>JD9</td>
<td>On a rotational basis with attorneys who are willing to take assignments.</td>
<td>$100/hour</td>
<td>FY07= $20,000</td>
<td>FY08= $16,529 FY09= $20,908</td>
</tr>
<tr>
<td>Fremont</td>
<td>JA calls list of attorneys that are willing to accept appointment.</td>
<td>$75/hour</td>
<td>No</td>
<td>Before the initial hearing.</td>
</tr>
<tr>
<td>Sublette</td>
<td>JA calls list of attorneys that are willing to accept appointment.</td>
<td>$100/hour</td>
<td>FY08= $2,929</td>
<td>FY09= $3,305</td>
</tr>
<tr>
<td>Teton</td>
<td>JA calls list of attorneys willing to accept appointment.</td>
<td>$85/hour</td>
<td>No</td>
<td>If the party is not represented they usually request counsel at their first hearing.</td>
</tr>
</tbody>
</table>
Appendix D

Courtroom Observation Forms

ON SITE COURT ASSESSMENT:
Wyoming - General Court Observation (one per county)

County __________________________

1. Description of the court house.
   Was waiting room/area adequate?
   Private interview rooms for attorneys? Sufficient for the numbers of people.

2. What is happening outside the courtroom while people are waiting for their cases to be called?

3. Did you observe any appointments of parents’ attorneys? If so please describe:

4. Other comments:

ON SITE COURT ASSESSMENT:
Wyoming – Case Observations

(Fill out one per hearing/case heard)

County __________________________
Staff/Consultant ______________________
Case No./initials ______________________ (optional: for note taker’s use as needed for finishing notes later)

I. Before the case was called
1. Did the attorney seem to be concerned about protecting their client’s confidentiality during their conversations?

2. Did the attorney interview their client (as opposed to discussing new information or what will be happening in court) outside the courtroom?

3. Does it appear that the attorney had already established a relationship with their parent client?
4. Did the attorney interview case workers? If so please describe.

5. Did the attorney interview other witnesses? If so please describe.

6. Was the attorney given reports and read those reports/documents while waiting for their case to be called or did they appear to already have the reports?

7. Other observations of outside courtroom activities:

II. After the case was called

8. Note the time the case was called:

9. Did both parents appear?

10. What type of hearing was this?

11. Does it appear that everyone, attorneys and parties, are aware of the purpose of the hearing?

12. Where did the parent(s) and their counsel sit? Are attorneys seated with their clients or are clients seated at the side or rear?

13. How were/was the parent(s) treated by courtroom staff?

14. Describe the judge’s interaction with the parent(s), if any.

Trial advocacy:

15. Was there an opening statement or argument?

16. Who were the witnesses? Which party offered witnesses?

17. Did parent (s) testify?

18. Were stipulations properly used?

19. Did the parent’s counsel make evidentiary objections? Timely? Appropriate?
20. Were there any problems with discovery or exchange of information?

21. What legal issues were raised during the hearing and by whom?

22. Was legal authority cited? If so, by counsel for which party (parties)?

23. Was an agreement offered that had been reached outside of court on any issue?

24. Describe the interaction between attorneys for parents and their clients during the hearing.

25. Did the parents address the court at any time during the proceeding?

26. Were there any language issues? Translator? Cultural issues that should have been addressed by counsel or the court?

Closing:

27. Did the court state its findings clearly at the conclusion of the hearing?

28. Did the parties seem to understand the findings or instructions from the court?

29. Did they receive a copy of the findings before they left the courtroom (or outside)?

30. Were they ordered to return to court on a specific date?

31. Were they given a written reminder of their next court date?

32. Were they reminded of the purpose of their next court hearing?

33. Did the court give any admonitions and/or any encouragement from the court? e.g., “Make sure that you keep in contact with your counsel, cooperate with the case worker on your case plan etc, or you only have six more months to finish your case plan before the state will have to decide whether or not to ask me to terminate your parental rights?”

34. Did the attorneys for the parents meet with their clients either inside or outside the courtroom after the hearing was over?

35. Note the time the case concluded:
Appendix E

Interview Instruments

Wyoming Parents’ Attorneys Study
-Attorney Individual/Focus Group Interview-

-Introduction-

• Confidentiality – names will not be used, most identifying information in report will be “Attorneys from X county said Y”
• Purpose of the study – improve outcomes for families.
• Methodology
  o Statewide surveys of
    ▪ Parents
    ▪ Judges
    ▪ County/district attorneys
    ▪ Parents’ attorneys
    ▪ GALS
    ▪ DFS
  o Group and individual interviews in three target counties of
    ▪ Parents
    ▪ Judges/Referees
    ▪ Attorneys
    ▪ Court Administrators
    ▪ DFS case workers
    ▪ Other providers
• Thanks for participating!

Number of participants ___________________________
Date ___________________________
County ___________________________
Staff/Consultants present ___________________________

☐ Caseloads of attorneys at focus group
  o Numbers of child protection/TPR cases?
  o Respondent parent cases?
  o Other workload?

☐ What do you think are the most challenging issues in representing parents?

☐ Out of court advocacy, practices, challenges
Keeping in touch with clients, practices, challenges

Are there ways in which the court could make a parents’ attorney’s job easier (or more satisfying)?

Are there practice, rule, or law changes that are needed to improve parent representation? Procedural changes? Changes to local rules or Rules of Court? Calendar changes?

Continuances and substitutes. Frequency? Negative effects?

Suggestions for improving representation of parents in this county

Training/Mentoring needs, resources

Appointments. Timeliness, through the life of a case, other issues? Are all parents assigned counsel?

What is does your average trial consist of?

For parents’ attorneys, what are things you usually do in a case such as introducing exhibits, objections, bringing in independent experts?

For parents’ attorneys, maintaining contact with clients

Meeting before the day of court

Envisioning your role as a parents’ attorney

In v. out of court advocacy

Compensation. process, adequacy, problems?

What are other things that we have not covered that you think are important to note about parent representation in your area?
• Confidentiality – names will not be used, most identifying information in report will be “Attorneys from X county said Y”
• Purpose of the study – improve outcomes for families.
• Methodology
  o Statewide surveys of
    ▪ Parents
    ▪ Judges
    ▪ County/district attorneys
    ▪ Parents’ attorneys
    ▪ GALS
    ▪ DFS
  o Group and individual interviews in three target counties of
    ▪ Parents
    ▪ Judges/Referees
    ▪ Attorneys
    ▪ Court Administrators
    ▪ DFS case workers
    ▪ Other providers
• Thanks for participating!

Number of participants ______________________________
Date ______________________________
County ______________________________
Staff/Consultants present ______________________________

☐ What is your role in relation to child protection proceedings

☐ County history regarding parent representation

☐ Attorney panel (attorney pool)
  o Getting on the list, requirements official or unofficial, practice.
  o Dealing with problems inc. removal from panel?
  o How many attorneys are on panel in a normal year.
  o Is it sufficient?
  o Difficulties recruiting?
- Appointments (attorney assignment to individual cases)
  - How are attorneys selected for a particular case?
    - Time of appointment?
    - Appointments for both parents?
    - Conflicts, ethical or otherwise – procedures for resolution?
    - Reporting requirements for payment otherwise?
    - Other evaluation?

- How is compensation determined?

- Continuances

- Schedule conflicts inc. substitutes

- Do you have suggestions for improving the quality of representation for parents in child protection?

- What are other things that we have not covered that you think are important to note about parent representation in your area?

Wyoming Parents’ Attorneys Study
-Judicial Individual/Focus Group Interview-

-Introduction-

- Confidentiality – names will not be used, most identifying information in report will be “Judges from X county said Y”
- Purpose of the study – improve outcomes for families.
- Methodology
  - Statewide surveys of
    - Parents
    - Judges
    - County/district attorneys
    - Parents’ attorneys
    - GALS
    - DFS
Group and individual interviews in three target counties of
- Parents
- Judges/Referees
- Attorneys
- Court Administrators
- DFS case workers
- Other providers

- Thanks for participating!

Number of participants ______________________
Date ______________________
County ______________________
Staff/Consultants present ______________________

☐ Overall, what are the strengths and weaknesses of the representation of parents in your court?

☐ Have there been changes that you have observed over time in the quality of representation for parents? If yes, describe

☐ How does the representation of parents compare with the representation of children and the agency? With other types of law?

☐ Do you feel any ethical or other limitations on what you can do to improve representation for parents, either in an individual case or overall?

☐ Attorney panel (attorney pool)
  - Getting on the list, requirements official or unofficial, practice.
  - Dealing with problems inc. removal from panel?
  - How many attorneys are on panel in a normal year.
  - Is it sufficient?
  - Difficulties recruiting?

☐ Appointments (attorney assignment to individual cases)
  - How are attorneys selected for a particular case?
-Wyoming Parents’ Attorneys Study
Parent Individual/Focus Group Interview-

-Introduction-

- Confidentiality – names will not be used, most identifying information in report will be “Parents from X county said Y”
- Purpose of the study – improve outcomes for families. Systemic- not working on individual cases. Nothing they say to us can hurt them or their case.
- Methodology
o Statewide surveys of
  ▪ Parents
  ▪ Judges
  ▪ County/district attorneys
  ▪ Parents’ attorneys
  ▪ GALS
  ▪ DFS

o Group and individual interviews in three target counties of
  ▪ Parents
  ▪ Judges/Referees
  ▪ Attorneys
  ▪ Court Administrators
  ▪ DFS case workers
  ▪ Other providers

- Thanks for participating!

Number of participants _________________________________
Date _________________________________
County _________________________________
Staff/Consultants present _________________________________

☐ Have you completed a survey? (hand out surveys if not)

☐ How long was your case in court?

☐ Appointed or retained attorneys?

☐ Describe process of obtaining appointed attorneys

☐ When did court make appointment?

☐ Contact with your attorney
  o Messages
  o Means of contact

☐ Consistency of representation at court inc. substitutes and number of attorneys

☐ Other support staff from attorney’s office?

☐ Helping you with paperwork

☐ Explaining the court/agency process
- Wyoming Parents’ Attorneys Study
  - DFS Individual/Focus Group Interview -
  - Introduction -

- Confidentiality – names will not be used, most identifying information in report will be “Attorneys from X county said Y”
- Purpose of the study – improve outcomes for families.
- Methodology
  - Statewide surveys of
    - Parents
    - Judges
    - County/district attorneys
    - Parents' attorneys
    - GALS
    - DFS
  - Group and individual interviews in three target counties of
    - Parents
    - Judges/Referees
    - Attorneys
    - Court Administrators
    - DFS case workers
    - Other providers
- Thanks for participating!
Number of participants ______________________________
Date ______________________________
County ______________________________
Staff/Consultants present ______________________________

☐ Participants: caseworkers? Supervisors?

☐ Attorney participation in MDT meetings.

☐ Other meetings

☐ Out of court advocacy

☐ Continuances and substitutes

☐ Suggestions for improving representation of parents in this county

☐ Training/Mentoring needs, resources

☐ Appointments. Timeliness, through the life of a case, other issues? Are all parents assigned counsel?

☐ Do parents talk to you about their attorneys? What do they say?

☐ Do parents’ attorneys contact you between hearings?

☐ What are other things that we have not covered that you think are important to note about parent representation in your area?
ON SITE ASSESSMENT:
Wyoming – MDT Observations

(Fill out one per MDT meeting)

County ____________________
Staff/Consultant ________________
Case No./initials ________________ (optional: for note taker’s use as needed for finishing notes later)

1. Did both parents attend the MDT meeting?

2. Did the parent(s)’s attorney(s) attend?

3. Did the parents’ attorney seem to have already met his/her client prior to the meeting?

4. Describe the interaction between attorneys for parents and their clients during the meeting.

5. What significant issues were discussed during the meeting and what was the attorney’s role in that regard?

6. Other:
Appendix F

Parent Representation in Child Abuse/Neglect Cases
-Parents’ Survey-

This survey is being done to help the Wyoming Supreme Court study how parents are being represented by lawyers in child abuse and neglect cases. Your answers to these questions are very important to helping the courts do a good job in providing lawyers for parents.

This survey will be used by the Wyoming Supreme Court for research only and is entirely confidential, with your answers being added to the answers from other parents. This survey should take approximately 15 minutes to complete.

This survey is for PARENTS who have been involved in child abuse/neglect cases.

The survey can be faxed to 202-662-1755, e-mailed to Scott.Trowbridge@americanbar.org, or mailed to the attention of Scott Trowbridge, ABA Center on Children and the Law, 740 15th Street, NW, Washington, DC 20005. If you would rather fill out this survey online you can find it at https://abanet.qualtrics.com/SE/?SID=SV_d9XgT9uxi4CDVGs

Background
1. Is your case finished? If so what was the outcome?
   (If you had more than one case, please fill the survey out according to the last case)
   □ My child(ren) returned home
   □ My child(ren) was adopted
   □ My child(ren) was placed with a relative
   □ My child(ren) was placed in the custody or guardianship of someone else
   □ My child(ren) aged out of custody
   □ My case is not finished. It is still in court.
   □ Other. Please specify___________

2. In your case, did you hire a lawyer on your own to represent you or did the court appoint a lawyer for you?
   □ I hired a lawyer
   □ The court appointed one
   □ I did not have a lawyer in my child protection case
   Comments:

If you never had a lawyer in your case, you may stop the survey now. Thank you.

3. How long was your case in court?
How many months? __________ If applicable, how many years? __________

If your case was in court less than 3 months you may stop the survey now. Thank you.

**Your Case**

4. In your case, did the judge ask you if you had a lawyer?
   - Yes
   - No

5. Did the judge explain that you could have a free lawyer if you couldn’t afford to pay one?
   - Yes
   - No

6. If the judge appointed a lawyer to represent you, when did the judge do so?
   - The first time you were in court
   - The court hearing where the judge determined whether abuse or neglect occurred
   - The dispositional hearing where the judge decided what would happen after making a finding of abuse or neglect
   - At or before a termination of parental rights hearing
   - I did not have an appointed lawyer, I hired my own
   - Other, please specify__________________________________________________________

7. How soon after the court appointed a lawyer did you have contact with your lawyer?
   - Within one day
   - Within one week
   - Within one month
   - I did not have an appointed lawyer, I hired my own.
   - Other, please describe__________________________________________________________

8. Did you know your lawyer before this case? For example from another child’s case or some other type of case?
   - Yes
   - No
   - If Yes, please explain:

______________________________________________________________________________

9. Did you have the same lawyer from the beginning to the end of your case?
   - Yes
   - No
   - My case is still in court, but I’ve had the same lawyer
   - My case is still in court, and I’ve changed lawyers
   - I kept the same lawyer, but I had a different lawyer at court, the following number of times:

   __________
10. About how many times did you have contact with your lawyer before each hearing? *If they didn’t contact you before each hearing enter zero*

- In person?
- By phone?
- By email?

11. How did your lawyer keep in contact with you? (check all that apply)
- Telephone/voice mail
- E-mail
- Letters
- Maintained flexible office hours
- Met with me outside the office
- Met with me at court before hearings
- Other; please specify

12. Did you ever have contact with someone from your lawyer’s office like a social worker, paralegal, investigator, or a parent advocate?

- Yes
- No

13. *In your case...*  

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did your lawyer give you copies of the paperwork on your case?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did your lawyer explain DFS policies to you?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did your lawyer help you get the services you needed?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

14. *In your case...*  

<table>
<thead>
<tr>
<th>Question</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did your lawyer help you prepare to testify in court?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did your lawyer explain what would happen at court?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>How often was your lawyer with you when you went to court?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>After each court appearance, did your lawyer explain what happened?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>When you left messages for your lawyer, did you get a quick response?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did your lawyer meet with you on a day before the court date?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did your lawyer talk to you about the facts in the case?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did your lawyer use exhibits, like reports or photographs, at court?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did your lawyer talk to you about DFS’s case plan?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Did your lawyer go to MDT meetings with you?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Do you feel your lawyer listened to you?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Do you feel your lawyer advocated for your position?  ☐ ☐ ☐ ☐  
Do you feel the judge listened to and respected your lawyer?  ☐ ☐ ☐ ☐  
Do you feel your lawyer was prepared for court hearings?  ☐ ☐ ☐ ☐  

15. Are you now or were you ever part of a parents' support group?
☐ Yes  
☐ No  
☐ If yes, what is the name of the group?
___________________________________________________

16. In what ways was your lawyer helpful to you? (check the top three)
He or She…
☐ was not helpful in any way  
☐ explained things to me  
☐ provided me with information about my case  
☐ made sure the court heard my side of the story  
☐ helped me be comfortable in court  
☐ helped me work with DFS  
☐ helped me work better with the services I received  
☐ helped me with visitation with my child(ren)  
☐ was someone that I could talk to confidentially  
☐ Other, please describe_________________________________________________

Follow-Up

Thank you for completing the survey. If you would like to participate further in this study, such as for individual or group interviews, please enter your information below.

Your personal information will remain confidential. The information below will only be used to contact you for interviews. Though results of this study will not use anyone’s name, you may tear this sheet off to turn it in separately if you wish.

17. Name: ____________________________  
   Phone Number(s): ________________________  
   County: ____________________________

18. Would you like to participate in a follow-up interview?
☐ Yes  
☐ No

19. Would you like to participate in a follow-up focus group with other parents?
☐ Yes  
☐ No
Appendix G

Respondent Parent Representation in Child Protection Cases
-Respondent Parents’ Counsel Survey-

This questionnaire is one method being used by the Wyoming Supreme Court to assess the needs of parent representation in child protection cases in Wyoming. Please answer these questions carefully and honestly. This survey should take approximately 15 minutes to complete.

This survey can be filled out online at https://abanet.qualtrics.com/SE/?SID=SV_8liU291vTiXfN3u
The survey can also be faxed to 202-662-1755, e-mailed to Scott.Trowbridge@americanbar.org, or mailed to the attention of Scott Trowbridge, ABA Center on Children and the Law, 740 15th Street, NW, Washington, DC 20005.

This survey is for attorneys who represent PARENTS in child protection cases. If you only represent DFS or children please fill out the survey located at https://abanet.qualtrics.com/SE/?SID=SV_abk9kUFKFAQsao

Background
1. Identifying information is only requested in the event we need clarification or if you wish to participate in a follow-up interview or focus group, and will remain confidential. Only summary, non-identifying results will be reported.

Name: ____________________________________________
Title: ____________________________________________
Work address: ______________________________________
__________________________________________
__________________________________________
Phone: ____________________________________________
Fax: ____________________________________________
Email: ____________________________________________

2. Years representing respondent parents in child protection cases: ____

3. For the current year, what percentage of your overall practice involved representation of the following parties in child protection (including TPR) cases:

<table>
<thead>
<tr>
<th>Party</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respondent parents</td>
<td>%</td>
</tr>
<tr>
<td>Children</td>
<td>%</td>
</tr>
<tr>
<td>Other</td>
<td>%</td>
</tr>
<tr>
<td>If Other; please specify type</td>
<td>%</td>
</tr>
</tbody>
</table>

4. Are you a….
☐ Sole practitioner
☐ Part of a small firm (2 – 5 attorneys)
☐ Part of a medium sized firm (6 – 15 attorneys)
☐ Part of a large firm (16+ attorneys)

5. In what County do you primarily practice?
________________________________________________________________________

Training

6. Were you required to receive any specialized training prior to receiving a court-appointment to represent a respondent parent in a child protection case?
☐ Yes, please describe ______________________
☐ No

7. Have you ever attended training on the following? (check all that apply)

<table>
<thead>
<tr>
<th>Training Area</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child neglect</td>
<td>☐</td>
</tr>
<tr>
<td>Physical abuse</td>
<td>☐</td>
</tr>
<tr>
<td>Sexual abuse</td>
<td>☐</td>
</tr>
<tr>
<td>Child development</td>
<td>☐</td>
</tr>
<tr>
<td>Cognitive delays</td>
<td>☐</td>
</tr>
<tr>
<td>Cultural competence</td>
<td>☐</td>
</tr>
<tr>
<td>DFS policies and procedures</td>
<td>☐</td>
</tr>
<tr>
<td>Domain violence</td>
<td>☐</td>
</tr>
<tr>
<td>Education/Special education</td>
<td>☐</td>
</tr>
<tr>
<td>Ethical issues in child protection</td>
<td>☐</td>
</tr>
<tr>
<td>Evidence in child protection</td>
<td>☐</td>
</tr>
<tr>
<td>Federal and state statutes, regulations, and rules regarding child protection</td>
<td>☐</td>
</tr>
<tr>
<td>Public benefits such as SSI/SSD</td>
<td>☐</td>
</tr>
<tr>
<td>Interstate placement of children</td>
<td>☐</td>
</tr>
<tr>
<td>Mental health</td>
<td>☐</td>
</tr>
<tr>
<td>Substance abuse</td>
<td>☐</td>
</tr>
<tr>
<td>Termination of parental rights</td>
<td>☐</td>
</tr>
<tr>
<td>Trial practice in child protection</td>
<td>☐</td>
</tr>
<tr>
<td>Other; please specify______________________________</td>
<td>☐</td>
</tr>
</tbody>
</table>
8. In what area(s) do you feel you most need training regarding child abuse & neglect? (check all that apply)

<table>
<thead>
<tr>
<th>Area</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child neglect</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical abuse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual abuse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child development</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cognitive delays</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultural competence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DFS policies and procedures</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic violence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education/Special education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethical issues in child protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evidence in child protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal and state statutes, regulations, and rules regarding child protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public benefits such as SSI/SSD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interstate placement of children</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mental health</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Substance abuse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Termination of parental rights</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trial practice in child protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other; please specify__________________</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9. What type of child welfare or juvenile court trainings have you attended in the last 24 months?

_____________________________________________________________________


_____________________________________________________________________

**Role of the Court**

11. *In your experience, how frequently do judges...*  

<table>
<thead>
<tr>
<th>Action</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inquire whether respondent parents have counsel</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advise respondent parents of the availability of appointed counsel</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. In your experience, when do judges usually appoint an attorney for respondent parents?  
   ☐ Before the shelter care hearing
Before the initial hearing
☐ Before the adjudicatory hearing
☐ Before the disposition hearing
☐ Before a termination of parental rights hearing

13. Are both parents usually represented by counsel?
☐ Yes
☐ No, usually only custodial parents
☐ No, only if there are allegations against the parent

Representation in General
14. How soon after you are appointed to represent a respondent parent do you usually attempt to make contact with your client?
☐ Within one day
☐ Within one week
☐ Within one month
☐ Wait until they contact me

15. How often do you represent a respondent parent through all stages of a child protection case including TPR?

<table>
<thead>
<tr>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

16. If you are appointed to represent a respondent parent in the trial court proceeding, how often do you represent that parent on appeal?

<table>
<thead>
<tr>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

17. How do you maintain open lines of communication with respondent parent clients? (check all that apply)
☐ Telephone/voice mail
☐ E-mail
☐ Letters
☐ Maintain flexible office hours
☐ Meet with client outside the office
☐ Other; please specify______________

18. As respondent parents’ counsel, what are the main reasons that you ask for continuances?

__________________________________________________________________________________
19. If you are unable to make contact with a parent, what steps do you normally take to locate them?

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

20. In representing respondent parents, how often do you do the following?

<table>
<thead>
<tr>
<th>Activity</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use formal discovery methods to obtain information</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attempt to locate non-respondent parents</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investigate allegations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Obtain independent evaluations of your clients</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>File pleadings, motions, or briefs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provide copies of petitions, orders, pleadings, service plans,</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>and other relevant documents to parents</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Obtain expert witnesses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prepare witnesses</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Make evidentiary objections</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prepare and present exhibits</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Make opening arguments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Make closing arguments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>File appeals</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ask for continuances</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attend MDT meetings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Obtain an expert witness</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attend case plan meetings with DFS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Explain DFS policies and procedures to your client</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Explain the child protection law to your client</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Explain the allegations to your client</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Work out issues with the client and caseworker outside of court</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Encourage your client to follow through with DFS or court ordered</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>requirements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advocate for appropriate services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advocate for changes to visitation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

21. In representing respondent parents, how often do you Never Rarely Sometimes Always do the following on a date other than the day of court?

<table>
<thead>
<tr>
<th>Activity</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meet with your client in private</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Talk to the DFS caseworker</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Review case records

Speak with service providers

Investigate alternative placements or resources

Investigate potential independent witnesses

Speak with county/district attorneys

22. How does quality parental representation in protection cases improve outcomes for children?
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

Compensation
23. In your opinion, is the compensation for appointed respondent parents’ attorneys adequate?
□ Yes
□ No
□ Have no opinion
□ Don’t know
□ If No, what compensation formula would you recommend?___________

24. In your opinion, does the compensation paid to respondent parent counsel adequately reflect the complexity of the legal and factual issues in these proceedings?
□ Yes
□ No
□ Have no opinion

25. In your opinion, does the level of compensation negatively impact the quality of representation of parents, or the ability of the court to get attorneys to represent respondent parents in these proceedings?
□ Yes
□ No
□ Have no opinion

Improving Representation
26. Please rate what is most needed to enable you to better represent parents.

<table>
<thead>
<tr>
<th></th>
<th>Not needed</th>
<th>Somewhat needed</th>
<th>Highly needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerical support</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paralegal support</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investigators</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social worker support</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expert witnesses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interpreters</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Option</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Parent focused visitation services</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Parent focused inpatient treatment</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Private interview room at court house</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Parent advocates</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Transportation for parents</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Improved communication with DFS</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Increased funding</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>More training</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>More attorneys</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Improved timeliness of notice from court</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Shorter time between hearings</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Improved discovery</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Other</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

27. What do you think can be done to improve representation of respondent parents in child protection cases?
_____________________________________________________________________________
_____________________________________________________________________________

28. Would you be willing to participate in a follow-up interview?
☐ Yes
☐ No

29. Would you be willing to participate in a focus group?
☐ Yes
☐ No

Thank you very much for your time!
This questionnaire is one method being used by the Wyoming Supreme Court to assess the needs of parent representation in child protection cases in Wyoming. Please answer these questions carefully and honestly. This survey should take approximately 10 minutes to complete.

This survey can be filled out online at https://abanet.qualtrics.com/SE/?SID=SV_abk9kUFKFAksao The survey can also be faxed to 202-662-1755, e-mailed to Scott.Trowbridge@americanbar.org, or mailed to the attention of Scott Trowbridge, ABA Center on Children and the Law, 740 15th Street, NW, Washington, DC 20005.

This survey is for attorneys who represent parties NOT including respondent PARENTS in child protection cases. If you represent parents, including if you represent children AND parents, please fill out the survey located at https://abanet.qualtrics.com/SE/?SID=SV_8IiU291vT1XfN3u

**Background**

1. Identifying information is only requested in the event we need clarification or if you wish to participate in a follow-up interview, and will remain confidential. Only summary non-identifying results will be reported.

   Name: ____________________________________________
   Title: ____________________________________________
   Work address: ______________________________________
               ______________________________________
               ______________________________________
   Phone: ____________________________________________
   Fax: _____________________________________________
   Email: ___________________________________________

2. Years representing parties/clients in child protection cases: ____

3. For the current year, what percentage of your overall practice involved representation of the following parties in child protection (including TPR) cases:

<table>
<thead>
<tr>
<th>DFS/State</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children</td>
<td>%</td>
</tr>
<tr>
<td>Other</td>
<td>%</td>
</tr>
<tr>
<td>If Other; please specify type</td>
<td>%</td>
</tr>
</tbody>
</table>

4. In what County do you primarily practice?
Role of the Court

5. In your experience, how frequently do judges...

<table>
<thead>
<tr>
<th>Question</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inquire whether respondent parents have counsel</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Advise respondent parents of the availability of appointed counsel</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

6. In your experience, when do judges usually appoint an attorney for respondent parents?
☐ Before the shelter care hearing
☐ Before the initial hearing
☐ Before the adjudicatory hearing
☐ Before the disposition hearing
☐ Before a termination of parental rights hearing

7. Please estimate the percentage of respondent parents represented by counsel at the following child protection hearings:

<table>
<thead>
<tr>
<th>Hearing</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter care</td>
<td>%</td>
</tr>
<tr>
<td>Initial</td>
<td>%</td>
</tr>
<tr>
<td>Adjudication</td>
<td>%</td>
</tr>
<tr>
<td>Disposition</td>
<td>%</td>
</tr>
<tr>
<td>Review hearings</td>
<td>%</td>
</tr>
<tr>
<td>Permanency hearings</td>
<td>%</td>
</tr>
<tr>
<td>Termination of parental rights</td>
<td>%</td>
</tr>
</tbody>
</table>

8. Are both parents usually represented by counsel?
☐ Yes
☐ No, usually only custodial parents
☐ No, only if there are allegations against the parent

Representation in General

9. What are the main reasons respondent parents’ attorneys ask for continuances?

_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

10. How does quality parental representation in protection cases improve outcomes for children?
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
11. How often do parents’ attorneys do the following on a date other than the day of court?

<table>
<thead>
<tr>
<th>Activity</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meet with clients in private</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Talk to the DFS caseworker</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Review case records</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Speak with service providers</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Investigate alternative placements or resources</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Investigate potential independent witnesses</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Speak with county/district attorneys</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

12. How often do attorneys for respondent parents...

<table>
<thead>
<tr>
<th>Activity</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
<th>Don’t know</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call witnesses at hearings?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Call expert witnesses?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>File written motions?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Present opening arguments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Present closing arguments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Cite legal authority in their arguments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Request continuances?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Compensation**

13. In your opinion, is the compensation for appointed respondent parents’ attorneys adequate?
- ☐ Yes
- ☐ No
- ☐ Have no opinion
- ☐ Don’t know
- ☐ If No, what compensation formula would you recommend? ____________

14. In your opinion, does the level of compensation negatively impact the quality of representation of parents, or the ability of the court to get attorneys to represent respondent parents in these proceedings?
- ☐ Yes
- ☐ No
- ☐ Have no opinion

**Improving Representation**

15. What do you think can be done to improve representation of respondent parents in child protection cases?

_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________
16. In your opinion, attorneys who represent respondent parents would benefit from additional training on…..(check all that apply)

<table>
<thead>
<tr>
<th>Topic</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child neglect</td>
<td>☐</td>
</tr>
<tr>
<td>Physical abuse</td>
<td>☐</td>
</tr>
<tr>
<td>Sexual abuse</td>
<td>☐</td>
</tr>
<tr>
<td>Child development</td>
<td>☐</td>
</tr>
<tr>
<td>Cognitive delays</td>
<td>☐</td>
</tr>
<tr>
<td>Cultural competence</td>
<td>☐</td>
</tr>
<tr>
<td>DFS policies and procedures</td>
<td>☐</td>
</tr>
<tr>
<td>Domestic violence</td>
<td>☐</td>
</tr>
<tr>
<td>Education/Special education</td>
<td>☐</td>
</tr>
<tr>
<td>Ethical issues in child protection</td>
<td>☐</td>
</tr>
<tr>
<td>Evidence in child protection</td>
<td>☐</td>
</tr>
<tr>
<td>Federal and state statutes, regulations, and rules regarding child protection</td>
<td>☐</td>
</tr>
<tr>
<td>Public benefits such as SSI/SSD</td>
<td>☐</td>
</tr>
<tr>
<td>Interstate placement of children</td>
<td>☐</td>
</tr>
<tr>
<td>Mental health</td>
<td>☐</td>
</tr>
<tr>
<td>Substance abuse</td>
<td>☐</td>
</tr>
<tr>
<td>Termination of parental rights</td>
<td>☐</td>
</tr>
<tr>
<td>Trial practice in child protection</td>
<td>☐</td>
</tr>
<tr>
<td>Other; please specify</td>
<td>☐</td>
</tr>
</tbody>
</table>

17. Would you be willing to participate in a follow-up interview?
☐ Yes
☐ No

18. Would you be willing to participate in a focus group?
☐ Yes
☐ No

Thank you very much for your time!
Appendix H

Respondent Parent Representation in Child Protection Cases -Judicial Officer Survey-

This questionnaire is one method being used by the Wyoming Supreme Court to assess the needs of parent representation in child protection cases in Wyoming. We appreciate your taking the time to assist in this effort. This survey should take approximately 15 minutes to complete.

This survey can be filled out online at https://abanet.qualtrics.com/SE/?SID=SV_a3K5RmWItP5pZPu The survey can also be faxed to 202-662-1755, e-mailed to Scott.Trowbridge@americanbar.org, or mailed to the attention of Scott Trowbridge, ABA Center on Children and the Law, 740 15th Street, NW, Washington, DC 20005.

Background

1. Identifying information is only requested in the event we need clarification or if you wish to participate in a follow-up interview or focus group, and will remain confidential. Only summary non-identifying results will be reported. Some results may be reported by county.

Name: ____________________________________________
Title: ____________________________________________
Work address: _____________________________________
__________________________________________
__________________________________________
Phone: ____________________________________________
Fax: ____________________________________________
Email: ____________________________________________

2. Type of judicial officer
☐ District Court Judge
☐ District Court Commissioner

3. How many years have you been a judicial officer? ____

4. Please estimate the number of open child protection (including TPR) cases currently assigned to you?
☐ 0-5
☐ 6-25
☐ 26-99
☐ 100 or more
☐ Don’t know
☐ No child protection cases are currently assigned to me
5. Last month, about how many hearings did you conduct in child protection proceedings?
☐ 0-10
☐ 11-20
☐ 21-40
☐ More than 40

6. Last month, about how many appearances of parties in child protection cases other than hearings did you preside over?
☐ 0-10
☐ 11-20
☐ 21-40
☐ More than 40

7. For the current year, what percent of your overall workload consists of child protection proceedings?
☐ Less than 10%
☐ 10-20%
☐ 21-50%
☐ 51-75%
☐ Over 75%
☐ 100%
☐ Don’t know

**Representation in General**

8. Which of the following factors do you consider in deciding whether to appoint an attorney to represent a respondent parent who may be unable to retain legal counsel? Identify all that apply.
☐ Complexity of the case
☐ Likelihood that the case will proceed to TPR
☐ Request of the parent
☐ Request of an attorney
☐ The ability of the parent to represent himself/herself in the proceedings
☐ Always appoint if parent meets financial criteria
☐ Other: ____________________________________________________________________

9. When do you usually appoint an attorney to represent a respondent parent?
☐ Before the shelter care hearing
☐ Before the initial hearing
☐ Before the adjudicatory hearing
☐ Before the disposition hearing
☐ Before a termination of parental rights hearing

10. How often do you advise respondent parents that they may request court appointed counsel in these proceedings if they are unable to retain counsel?
11. Are there enough attorneys in your county willing to take child protection appointments?
☐ Yes
☐ No
Comments: ____________________________________________________________

12. Is the same attorney generally appointed if a termination of parental rights action is filed?
☐ Yes
☐ No
☐ Depends on the case

13. Are both parents usually appointed counsel?
☐ Yes
☐ No, usually only custodial parents
☐ No, only if there are allegations against the parent

14. How often are attorneys for respondent parents unable to appear, but send substitute counsel for a particular hearing?
☐ Rarely
☐ Occasionally
☐ Sometimes
☐ Often

15. In your opinion, is the compensation for appointed respondent parents’ attorneys adequate?
☐ Yes
☐ No
☐ Have no opinion
☐ If No, what compensation formula would you recommend? __________

16. In your opinion, does the level of compensation negatively impact the quality of representation of parents, or the ability of the court to get attorneys to represent respondent parents in these proceedings?
☐ Yes
☐ No
☐ Have no opinion

17. How often in the following child protection hearings are attorneys prepared to represent their respondent parent clients?

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter care</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Initial</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Adjudicatory</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
### Disposition

<table>
<thead>
<tr>
<th>Disposition</th>
<th>☐</th>
<th>☐</th>
<th>☐</th>
<th>☐</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review hearings</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Permanency hearings</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Termination of parental rights</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

18. How frequently do attorneys for respondent parents in contested cases present evidence or testimony, or make arguments which are important to your findings or decisions?

- [ ] Very few
- [ ] Some hearings
- [ ] Most hearings
- [ ] Almost all hearings
- [ ] Don’t know
- [ ] Don’t handle contested matters

19. *How often do attorneys for respondent parents...*  

<table>
<thead>
<tr>
<th>Activity</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call witnesses at hearings?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Call expert witnesses?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>File written motions?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Present opening arguments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Present closing arguments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Cite legal authority in their arguments?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Request continuances?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

20. In general, how knowledgeable are attorneys who represent respondent parents about relevant research on specific topics affecting their clients such as substance abuse recovery, mental health, and child development?

- [ ] Somewhat
- [ ] Depends on the attorney
- [ ] Generally knowledgeable
- [ ] Very knowledgeable
- [ ] Don’t know

21. How satisfied are you with the overall competency of the attorneys appointed to represent respondent parents in your court?

- [ ] Frequently dissatisfied
- [ ] Generally need improvement
- [ ] Varies widely
- [ ] Generally satisfied
- [ ] Very satisfied

22. Overall, in comparison to attorneys appearing in other civil litigation, how prepared are attorneys who represent respondent parents in child protection cases?

- [ ] Much less
- [ ] Less
23. What are the main reasons respondent parents’ attorneys ask for continuances?
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

24. In your opinion, attorneys who represent respondent parents in your court would benefit from additional training on……(check all that apply)

<table>
<thead>
<tr>
<th>Issue</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child neglect</td>
<td></td>
</tr>
<tr>
<td>Physical abuse</td>
<td></td>
</tr>
<tr>
<td>Sexual abuse</td>
<td></td>
</tr>
<tr>
<td>Child development</td>
<td></td>
</tr>
<tr>
<td>Cognitive delays</td>
<td></td>
</tr>
<tr>
<td>Cultural competence</td>
<td></td>
</tr>
<tr>
<td>DFS policies and procedures</td>
<td></td>
</tr>
<tr>
<td>Domestic violence</td>
<td></td>
</tr>
<tr>
<td>Education/Special education</td>
<td></td>
</tr>
<tr>
<td>Ethical issues in child protection</td>
<td></td>
</tr>
<tr>
<td>Evidence in child protection</td>
<td></td>
</tr>
<tr>
<td>Federal and state statutes, regulations, and rules regarding child protection</td>
<td></td>
</tr>
<tr>
<td>Public benefits such as SSI/SSD</td>
<td></td>
</tr>
<tr>
<td>Interstate placement of children</td>
<td></td>
</tr>
<tr>
<td>Mental health</td>
<td></td>
</tr>
<tr>
<td>Substance abuse</td>
<td></td>
</tr>
<tr>
<td>Termination of parental rights</td>
<td></td>
</tr>
<tr>
<td>Trial practice in child protection</td>
<td></td>
</tr>
<tr>
<td>Other; please specify</td>
<td></td>
</tr>
</tbody>
</table>

25. How does quality parental representation in protection cases improve outcomes for children?
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

26. What do you think can be done to improve the representation of respondent parents in child protection cases?
27. Would you be willing to participate in a follow-up interview?
   ☐ Yes
   ☐ No

28. Would you be willing to participate in a focus group?
   ☐ Yes
   ☐ No

   Thank you very much for your time!
Appendix I
DFS Survey

Parent Representation in Child Protection Cases
-DFS Survey-

This questionnaire is one method being used by the Wyoming Supreme Court to assess the needs of parent representation in child protection cases in Wyoming. Please answer these questions carefully and honestly. This survey should take approximately 10 minutes to complete.

This survey can be filled out online at https://abanet.qualtrics.com/SE/?SID=SV_b2fwqOx5u7t6krW The survey can also be faxed to 202-662-1755, e-mailed to Scott.Trowbridge@americanbar.org, or mailed to the attention of Scott Trowbridge, ABA Center on Children and the Law, 740 15th Street, NW, Washington, DC 20005.

This survey is for DFS staff. If you are an attorney for DFS, please fill out the survey at https://abanet.qualtrics.com/SE/?SID=SV_abk9kUFKFAksao

Background
1. Identifying information is only requested in the event we need clarification or if you wish to participate in a follow-up interview or focus group, and will remain confidential. Only summary non-identifying results will be reported.

Name: __________________________________________
Work address: ______________________________________
__________________________________________
__________________________________________
Phone: ______________________________________
Fax: ______________________________________
Email: ______________________________________

2. Years working in child and family services: _____

3. In what county do you primarily work? ____________

4. If you work for multiple counties or statewide, how are you usually involved with the court process in child protection cases?

________________________________________________________________________________________
________________________________________________________________________________________
Role of the Court

5. In your experience, how frequently do judges...

<table>
<thead>
<tr>
<th>Role</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inquire whether parents have counsel</td>
<td></td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Advise parents of the availability of appointed counsel</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

6. In your experience, when do judges usually appoint an attorney for parents?
- ☐ Before the shelter care hearing
- ☐ Before the initial hearing
- ☐ Before the adjudicatory hearing
- ☐ Before the disposition hearing
- ☐ Before a termination of parental rights hearing

7. Please estimate the percentage of parents represented by counsel at the following child protection hearings:

<table>
<thead>
<tr>
<th>Hearing</th>
<th>Don’t know</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter care</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Initial</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Adjudication</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Disposition</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Review hearings</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Permanency hearings</td>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>Termination of parental rights</td>
<td>☐</td>
<td></td>
</tr>
</tbody>
</table>

8. Are both parents usually appointed counsel?
- ☐ Yes
- ☐ No, usually only custodial parents
- ☐ No, only if there are allegations against the parent

Representation in General

9. What are the main reasons parents’ attorneys ask for continuances?

_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

10. How does quality parental representation in protection cases improve outcomes for children?

_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

11. On average, how many times do you usually have contact with a parents’ attorney before each hearing? (enter a number, you may enter zero)
    _____ In person?
12. How often do parents’ attorneys participate in…

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>MDT meetings</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meetings regarding DFS case planning</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meetings regarding educational services (i.e. IEP meetings, etc.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Improving Representation**

13. What do you think can be done to improve representation of parents in child protection cases?

_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

14. In your opinion, attorneys who represent parents would benefit from additional training on…..(check all that apply)

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Child neglect</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical abuse</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual abuse</td>
<td></td>
<td></td>
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<tr>
<td>Child development</td>
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<tr>
<td>Cognitive delays</td>
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<td>Cultural competence</td>
<td></td>
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<tr>
<td>DFS policies and procedures</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic violence</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Education/Special education</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethical issues in child protection</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evidence in child protection</td>
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<td></td>
<td></td>
<td></td>
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<tr>
<td>Federal and state statutes, regulations, and rules regarding child protection</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public benefits such as SSI/SSD</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Interstate placement of children</td>
<td></td>
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<td></td>
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<td>Mental health</td>
<td></td>
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<td></td>
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<tr>
<td>Substance abuse</td>
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<td></td>
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<td></td>
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<tr>
<td>Termination of parental rights</td>
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<td></td>
</tr>
<tr>
<td>Trial practice in child protection</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other; please specify</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

15. Would you be willing to participate in a follow-up interview?
16. Would you be willing to participate in a focus group?
   □ Yes
   □ No

Thank you very much for your time!
Appendix J
Survey Results

Total surveys started
DFS 62
DAs and GALs 23
Judges 26
Parents’ Attorneys 44
Parents 42

Total completed surveys
DFS 47
DAs and GALs 18
Judges 21
Parents’ Attorneys 37
Parents 34
Total 157

Demographics of survey participants

DFS: Years working in child and family services:

DAs/GALs, and Parents Attorneys: Years representing parties/clients in child protection cases:

Judges: How many years have you been a judicial officer?

<table>
<thead>
<tr>
<th></th>
<th>DFS</th>
<th>DAs and GALs</th>
<th>Ps Attys</th>
<th>Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average</td>
<td>8.3</td>
<td>6.9</td>
<td>9.3</td>
<td>11.1</td>
</tr>
</tbody>
</table>

If you work for multiple counties or statewide, how are you usually involved with the court process...

Vast majority of responses to this open-ended question indicated the responses were from supervisors.

Judges workloads
Please estimate the number of open child protection (including TPR) cases currently assigned to you?

<table>
<thead>
<tr>
<th></th>
<th>DFS</th>
<th>DAs and GALs</th>
<th>Ps Attys</th>
<th>Judges</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-5</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-25</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26-99</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>100 or more</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Don't know</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
No child protection cases are currently assigned to me 5
n 22

Last month, about how many hearings did you conduct in child protection proceedings?
0-10 13
11-20 3
21-40 5
More than 40 0
n 21

Last month, about how many appearances of parties in child protection cases other than hearings did...
0-10 17
11-20 3
21-40 1
More than 40 0
n 21

For the current year, what percent of your overall workload consists of child protection proceedings...
Less than 10% 14
10-20% 5
21-50% 3
51-75% 0
Over 75% 0
100% 0
Don’t know 0
n 22

Type of judicial officer
District Court Commissioner 8
District Court Judge 15
n 23

Attorneys
DA/CO Attorneys 5
Parents' Attorneys (25%+) 8
Parents' Attorneys (10%-25%) 15
GALs (25%+) 19
GALs (10%-25%) 8
Many represent children and parents 24

Parents Attorneys
Are you a…
Sole practitioner 17
Part of a small firm (2 – 5 attorneys) 17
Part of a medium sized firm (6 – 15 attorneys) 3
Part of a large firm (16+ attorneys) 1
n 38

Parents - Permanency
My child(ren) returned home 8
My child(ren) was adopted 1
My child(ren) was placed with a relative 3
My child(ren) was placed in the custody or guardianship of someone else 1
My child(ren) aged out of custody 0
My case is not finished. It is still in court. 25
Other. Please specify 1

Other - Text
Placed with me (the non-offending parent)

Parents: time child in care as of survey or permanency
Months (average) 11.9
Months (median) 9.5
n 30

In your case, did you hire a lawyer on your own to represent you or did the court appoint a lawyer f...
Appointed 36
Hired own attorney 1
Did not have lawyer 2
n 39

Comments
I didn't feel like my lawyer knew any more than I did. But I understand every case is different.
I had one for judication [sic] hearing and I fired him. Didn't represent me. The one for termination is having to work double time in getting the truth out.
I requested an attorney because the court appointed one wouldn't help me and didn't stay in contacted [sic] with me. I never got to have a new attorney appointed to me on my case.
My son was falsely taken from me in my last case 1 - 19 - 10.
The lawyer i was appointed was/is wonderful. I couldn't have asked for a better one.
My child was removed from the father placed with me.
Surveys Completed (by County)
These were fairly evenly distributed over the survey/participant types. In total:

Albany 4
Big Horn 1
Campbell 14
Carbon 9
Converse 2
Crook 1
Fremont 8
Goshen 8
Hot Springs 5
Johnson 2
Laramie 8
Lincoln 1
Natrona 8
Niobrara 2
Park 10
Platte 2
Sheridan 9
Sweetwater 14
Teton 1
Uinta 4
Washakie 6
Weston 1

Some had multiple:
Converse and Natrona
Albany, Laramie, Carbon
Albany, Natrona, Carbon and Converse
Goshen, Platte, Converse and Niobrara (District Eight)
Sheridan and Johnson
Sheridan/Johnson
Uinta and Lincoln
United States [sic]

**Appointments**

*DFS, DAs and GALs, Parents’ Attorneys: In your experience, how frequently do judges...*

*Inquire whether respondent parents have counsel*

*Parents: In your case, did the judge ask you if you had a lawyer?*
DFS and Attorneys
Always 87%
Sometimes 12%
Rarely 1%
Never 0%
N 102

Parents
Yes 88%
No 12%
n 34

Judges: Which of the following factors do you consider in deciding whether to appoint an attorney to represent a parent?

Complexity of the case 23%
Likelihood that the case will proceed to TPR 14%
Request of the parent 59%
Request of an attorney 14%
The ability of the parent to represent himself/herself in the proceedings 18%
Always appoint if parent meets financial criteria 64%
n 22

DFS, DAs and GALs, Parents’ Attorneys: In your experience, how frequently do judges...-Advise respondent parents of the availability of appointed counsel

Judges: How often do you advise respondent parents that they may request court appointed counsel in these pr...

Parents: Did the judge explain that you could have a free lawyer if you couldn’t afford to pay one?

DFS, Attorneys & Judges:
Always 94%
Sometimes 5%
Rarely 1%
Never 0%
n 121

Parents
Yes 91%
No 9%
n 34
DFS, DAs and GALs, Parents’ Attorneys: In your experience, when do judges usually appoint an attorney for parents?

Judges: When do you usually appoint an attorney to represent a respondent parent?

Parents: If the judge appointed a lawyer to represent you, when did the judge do so?

**DFS, Attorneys & Judges**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter</td>
<td>13%</td>
</tr>
<tr>
<td>Adjudication</td>
<td>26%</td>
</tr>
<tr>
<td>Initial Hearing</td>
<td>58%</td>
</tr>
<tr>
<td>Disposition</td>
<td>1%</td>
</tr>
<tr>
<td>Termination</td>
<td>2%</td>
</tr>
<tr>
<td>n</td>
<td>124</td>
</tr>
</tbody>
</table>

**Parents**

- The first time you were in court: 61%
- The court hearing where the judge determined whether abuse or neglect occurred: 18%
- The dispositional hearing where the judge decided what would happen after making a finding of abuse or neglect: 3%
- At or before a termination of parental rights hearing: 0%
- I did not have an appointed lawyer, I hired my own: 3%
- Other, please specify: 15%

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>n</td>
<td>33</td>
</tr>
</tbody>
</table>

**Other - text**

- before the 1st hearing.
- Judge didn't appoint, I applied for one.
- Criminal trial allegation and later false conviction led to neglect case, same attorney for criminal and jurisdiction.

**Are both parents usually appointed counsel?**

DFS, DAs and GALs, Parents’ Attorneys & Judges. There was little notable difference between the different survey types.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>42%</td>
</tr>
<tr>
<td>No, usually only custodial parents</td>
<td>13%</td>
</tr>
<tr>
<td>No, only if there are allegations against the parent</td>
<td>45%</td>
</tr>
<tr>
<td>n</td>
<td>120</td>
</tr>
</tbody>
</table>

**Judges: Are there enough attorneys in your county willing to take child protection appointments?**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>12</td>
</tr>
<tr>
<td>No</td>
<td>8</td>
</tr>
<tr>
<td>n</td>
<td>20</td>
</tr>
</tbody>
</table>
Comments
Hot springs & Worland maybe, Big Horn – No
To my knowledge there are.
We have few that can do this, but because the County contracts with a single lawyer and he can
cover most of them, we don't often need to reach out into the local bar.

Judges: Is the same attorney generally appointed if a termination of parental rights action is
filed?
Yes 5
No 2
Depends on the case 13
n 20

Parents Attorneys: How often do you represent a respondent parent through all stages of a child
protection case including TPR?
Never 17%
Rarely 17%
Sometimes 40%
Always 26%
n 35

Parents Attorneys: If you are appointed to represent a respondent parent in the trial court
proceeding, how often do you represent that parent on appeal?
Never 74%
Rarely 14%
Sometimes 9%
Always 3%
n 35

Representation by hearing type
Please estimate the percentage of respondent parents represented by counsel at the following:

<table>
<thead>
<tr>
<th></th>
<th>Shelter Initial</th>
<th>Jurisdiction</th>
<th>Disposition</th>
<th>Permanency</th>
<th>Review TPR</th>
</tr>
</thead>
<tbody>
<tr>
<td>DFS</td>
<td>10%</td>
<td>75%</td>
<td>90%</td>
<td>91%</td>
<td>94%</td>
</tr>
<tr>
<td>DAs &amp; GALs</td>
<td>19%</td>
<td>58%</td>
<td>66%</td>
<td>82%</td>
<td>84%</td>
</tr>
<tr>
<td>Total (avg)</td>
<td>13%</td>
<td>70%</td>
<td>83%</td>
<td>89%</td>
<td>91%</td>
</tr>
</tbody>
</table>

In and Out of Court Practice
Parents’ Attorneys: How soon after you are appointed to represent a respondent parent do you
usually attempt to make contact with your client?
Parents: How soon after the court appointed a lawyer did you have contact with your lawyer?

Parents’ Attorneys:
Within one day 54%
Within one week 46%
Within one month 0%
Wait until they contact me 0%
n 35

Parents:
Within one day 21%
Within one week 41%
Within one month 24%
I did not have an appointed lawyer, I hired my own. 3%
Other, please describe 12%
n 34

Comments
Before the next hearing, about a week later.
kept calling and she said she had no info on my case for a month.
not until the day I went back to court.
Not until the next court date.

Parents’ Attorneys: How do you maintain open lines of communication with respondent parent clients? (check all that apply)

Parents’ Attorneys:
Telephone/voice mail 100%
E-mail 46%
Letters 83%
Maintain flexible office hours 54%
Meet with client outside the office 37%
Other; please specify 23%
n 35

Comments
any way convenient for client
DFS
flexible hours for phone conferences
go to home or workplace
MDT meetings and at home
meet at office during office hours
occasionally hunt them down.
texting
Parents: How did your lawyer keep in contact with you? (check all that apply)

Parents:
Telephone/voice mail 74%
E-mail 3%
Letters 35%
Maintained flexible office hours 6%
Met with me outside the office 6%
Met with me at court before hearings 65%
Other; please specify 18%
n 34

Comments
a few times at his office.
at family conference
before MDTs.
Came to see me(1)@ NCDC.
I have always had to contact her.
Until incarceration . . . attorney wouldn't except [sic] phone calls paid for by me through Inmate services.

Because some comments from parents noted that the only time they had contact with their attorney was right before a court hearing, results for parents were as to that answer choice were examined. Six (6) or 18% of parents only checked “Met with me at court before hearings,” to this multi-check box question.

DFS: How often do parents’ attorneys participate in MDT meetings

Parents’ Attorneys: In representing respondent parents, how often do you do the following?
Attend MDT meetings

Parents: In your case...-Did your lawyer go to MDT meetings with you?

DFS
MDT meetings
Never 0%
Rarely 0%
Sometimes 28%
Always 72%
n 46
Parents’ Attorneys
MDT meetings
Never 0%
Rarely 0%
Sometimes 6%
Always 94%
N 36

Parents
MDT meetings
Never 9%
Rarely 0%
Sometimes 4%
Always 87%
n 23

Total DFS, Parents Attorneys, and Parents regarding MDT meetings.
Never 2%
Rarely 0%
Sometimes 15%
Always 83%
n 105

DAs and GALs: How often do parents’ attorneys do the following on a date other than the day of court?-Meet with clients in private

Parents’ Attorneys: In representing respondent parents, how often do you do the following on a date other than the day of court?—Meet with your client in private.

Parents: In your case...—Did your lawyer meet with you on a day before the court date?

<table>
<thead>
<tr>
<th></th>
<th>DAs &amp; GALs</th>
<th>Parents’ Attys</th>
<th>Ps</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never</td>
<td>6%</td>
<td>0%</td>
<td>36%</td>
</tr>
<tr>
<td>Rarely</td>
<td>6%</td>
<td>0%</td>
<td>15%</td>
</tr>
<tr>
<td>Sometimes</td>
<td>28%</td>
<td>23%</td>
<td>33%</td>
</tr>
<tr>
<td>Always</td>
<td>22%</td>
<td>77%</td>
<td>15%</td>
</tr>
<tr>
<td>Don't know</td>
<td>39%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>n</td>
<td>18</td>
<td>35</td>
<td>33</td>
</tr>
</tbody>
</table>

Totals
Never 15%
Rarely 7%
Sometimes 28%
Always 42%
Parents’ Attorneys: In representing respondent parents, how often do you do the following on a date other than the day of court?

DAs and GALs: How often do parents’ attorneys do the following on a date other than the day of court?

Parents’ Attorneys (n = 36):

<table>
<thead>
<tr>
<th></th>
<th>Talk to DFS</th>
<th>Review Case Records</th>
<th>Speak w/ Service providers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Rarely</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>Sometimes</td>
<td>39%</td>
<td>17%</td>
<td>64%</td>
</tr>
<tr>
<td>Always</td>
<td>61%</td>
<td>83%</td>
<td>36%</td>
</tr>
</tbody>
</table>

Investigate alternative placements or resources
Investigate potential independent witnesses
Speak with county/district attorneys

<table>
<thead>
<tr>
<th></th>
<th>Talk to DFS</th>
<th>Review Case Records</th>
<th>Speak w/ Service providers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never</td>
<td>0%</td>
<td>3%</td>
<td>0%</td>
</tr>
<tr>
<td>Rarely</td>
<td>3%</td>
<td>14%</td>
<td>0%</td>
</tr>
<tr>
<td>Sometimes</td>
<td>50%</td>
<td>36%</td>
<td>25%</td>
</tr>
<tr>
<td>Always</td>
<td>47%</td>
<td>47%</td>
<td>75%</td>
</tr>
</tbody>
</table>

DAs & GALs (n = 18):

<table>
<thead>
<tr>
<th></th>
<th>Talk to DFS</th>
<th>Review Case Records</th>
<th>Speak w/ Service providers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never</td>
<td>6%</td>
<td>6%</td>
<td>6%</td>
</tr>
<tr>
<td>Rarely</td>
<td>0%</td>
<td>0%</td>
<td>6%</td>
</tr>
<tr>
<td>Sometimes</td>
<td>39%</td>
<td>11%</td>
<td>44%</td>
</tr>
<tr>
<td>Always</td>
<td>44%</td>
<td>39%</td>
<td>11%</td>
</tr>
<tr>
<td>Don't know</td>
<td>11%</td>
<td>44%</td>
<td>33%</td>
</tr>
</tbody>
</table>

Investigate alternative placements or resources
Investigate potential independent witnesses
Speak with county/district attorneys

<table>
<thead>
<tr>
<th></th>
<th>Talk to DFS</th>
<th>Review Case Records</th>
<th>Speak w/ Service providers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never</td>
<td>6%</td>
<td>11%</td>
<td>0%</td>
</tr>
<tr>
<td>Rarely</td>
<td>22%</td>
<td>11%</td>
<td>11%</td>
</tr>
<tr>
<td>Sometimes</td>
<td>11%</td>
<td>17%</td>
<td>17%</td>
</tr>
<tr>
<td>Always</td>
<td>17%</td>
<td>22%</td>
<td>56%</td>
</tr>
<tr>
<td>Don't know</td>
<td>44%</td>
<td>39%</td>
<td>17%</td>
</tr>
</tbody>
</table>

Parents: About how many times did you have contact with your lawyer before each hearing?
Parents (Avg)  
In person: 1.5  
By phone: 2.7  
by email: 1.1

There were wide ranges in responses.  
Some had very high numbers:  
Greater or equal to 5: 6%  
9%  
3%
Some had no contact: 28%  
22%  
44%

n 32

**DFS:** On average, how many times do you usually have contact with a parents’ attorney before each hearing?  

<table>
<thead>
<tr>
<th></th>
<th>In person</th>
<th>By phone</th>
<th>by email</th>
</tr>
</thead>
<tbody>
<tr>
<td>DFS (Avg)</td>
<td>1.4</td>
<td>3.8</td>
<td>2.1</td>
</tr>
<tr>
<td>n</td>
<td>42</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Judges, DAs & GALs:**

**Parents’ Attorneys: How often do attorneys for respondent parents...**

<table>
<thead>
<tr>
<th>Call Witnesses</th>
<th>Call expert witnesses</th>
<th>File written motions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never</td>
<td>0%</td>
<td>21%</td>
</tr>
<tr>
<td>Rarely</td>
<td>33%</td>
<td>61%</td>
</tr>
<tr>
<td>Sometimes</td>
<td>62%</td>
<td>16%</td>
</tr>
<tr>
<td>Always</td>
<td>5%</td>
<td>3%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Present Opening statements</th>
<th>Present closing arguments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never</td>
<td>0%</td>
</tr>
<tr>
<td>Rarely</td>
<td>11%</td>
</tr>
<tr>
<td>Sometimes</td>
<td>50%</td>
</tr>
<tr>
<td>Always</td>
<td>39%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Cite legal authority</th>
<th>Request continuances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Never</td>
<td>3%</td>
</tr>
<tr>
<td>Rarely</td>
<td>32%</td>
</tr>
<tr>
<td>Sometimes</td>
<td>53%</td>
</tr>
<tr>
<td>Always</td>
<td>13%</td>
</tr>
</tbody>
</table>

n 39
**In representing respondent parents, how often do you do the following?**

<table>
<thead>
<tr>
<th>Activity</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use formal discovery methods to obtain information</td>
<td>6%</td>
<td>14%</td>
<td>47%</td>
<td>33%</td>
</tr>
<tr>
<td>Attempt to locate non-respondent parents</td>
<td>22%</td>
<td>33%</td>
<td>39%</td>
<td>6%</td>
</tr>
<tr>
<td>Investigate allegations</td>
<td>3%</td>
<td>3%</td>
<td>14%</td>
<td>81%</td>
</tr>
<tr>
<td>Obtain independent evaluations of your clients</td>
<td>6%</td>
<td>33%</td>
<td>58%</td>
<td>3%</td>
</tr>
<tr>
<td>File pleadings, motions, or briefs</td>
<td>0%</td>
<td>8%</td>
<td>44%</td>
<td>47%</td>
</tr>
<tr>
<td>Provide copies of petitions, orders, pleadings,</td>
<td>0%</td>
<td>0%</td>
<td>11%</td>
<td>89%</td>
</tr>
<tr>
<td>service plans, and other relevant documents to parents</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Obtain expert witnesses</td>
<td>11%</td>
<td>54%</td>
<td>31%</td>
<td>3%</td>
</tr>
<tr>
<td>Prepare witnesses</td>
<td>0%</td>
<td>0%</td>
<td>39%</td>
<td>61%</td>
</tr>
<tr>
<td>Make evidentiary objections</td>
<td>0%</td>
<td>8%</td>
<td>42%</td>
<td>50%</td>
</tr>
<tr>
<td>Prepare and present exhibits</td>
<td>3%</td>
<td>6%</td>
<td>43%</td>
<td>49%</td>
</tr>
<tr>
<td>Make opening arguments</td>
<td>0%</td>
<td>3%</td>
<td>39%</td>
<td>58%</td>
</tr>
<tr>
<td>Make closing arguments</td>
<td>0%</td>
<td>0%</td>
<td>28%</td>
<td>72%</td>
</tr>
<tr>
<td>File appeals</td>
<td>61%</td>
<td>22%</td>
<td>17%</td>
<td>0%</td>
</tr>
<tr>
<td>Ask for continuances</td>
<td>6%</td>
<td>46%</td>
<td>46%</td>
<td>3%</td>
</tr>
<tr>
<td>Explain DFS policies and procedures to your client</td>
<td>3%</td>
<td>0%</td>
<td>19%</td>
<td>78%</td>
</tr>
<tr>
<td>Explain the child protection law to your client</td>
<td>0%</td>
<td>0%</td>
<td>8%</td>
<td>92%</td>
</tr>
<tr>
<td>Explain the allegations to your client</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>Work out issues with the client and caseworker outside of court</td>
<td>0%</td>
<td>0%</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>Encourage your client to follow through with DFS or court ordered requirements</td>
<td>0%</td>
<td>0%</td>
<td>11%</td>
<td>89%</td>
</tr>
<tr>
<td>Advocate for appropriate services</td>
<td>0%</td>
<td>0%</td>
<td>6%</td>
<td>94%</td>
</tr>
<tr>
<td>Advocate for changes to visitation</td>
<td>0%</td>
<td>3%</td>
<td>31%</td>
<td>67%</td>
</tr>
</tbody>
</table>

**Parents: Did you ever have contact with someone from your lawyer's office like a social worker, paralegal, investigator...**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>25</td>
</tr>
</tbody>
</table>

**Parents: Did your lawyer give you copies of the paperwork on your case? (petitions, orders, pleadings, and other documents)**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>8</td>
</tr>
</tbody>
</table>

**Parents: Did your lawyer explain DFS policies to you?**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>24</td>
<td>8</td>
</tr>
</tbody>
</table>
Parents: Did your lawyer help you get the services you needed?
Yes 18
No 13
n 31

Parents: In your case...
Did your lawyer help you prepare to testify in court? 19% Never 16% Rarely 29% Sometimes 35% Always
Did your lawyer explain what would happen at court? 3% Never 9% Rarely 24% Sometimes 64% Always
How often was your lawyer with you when you went to court? 0% Never 3% Rarely 13% Sometimes 84% Always
After each court appearance, did your lawyer explain what happened? 3% Never 6% Rarely 30% Sometimes 61% Always
When you left messages for your lawyer, did you get a quick response? 22% Never 13% Rarely 25% Sometimes 41% Always
Did your lawyer talk to you about the facts in the case? 0% Never 9% Rarely 36% Sometimes 55% Always
Did your lawyer use exhibits, like reports or photographs, at court? 68% Never 10% Rarely 10% Sometimes 13% Always
Did your lawyer talk to you about DFS’s case plan? 16% Never 13% Rarely 22% Sometimes 50% Always
Do you feel your lawyer listened to you? 19% Never 6% Rarely 19% Sometimes 55% Always
Do you feel your lawyer advocated for your position? 16% Never 3% Rarely 29% Sometimes 52% Always
Do you feel the judge listened to and respected your lawyer? 6% Never 0% Rarely 26% Sometimes 68% Always
Did your lawyer was prepared for court hearings? 18% Never 6% Rarely 12% Sometimes 64% Always
n 33

Parents: Are you now or were you ever part of a parents' support group?
Yes 2
No 31
n 33

Yes. If yes, what is the name of the group?
Toddler Group
Yellow Star Behavior Center

Parents: In what ways was your lawyer helpful to you? (check the top three) / He or She...
The top responses were:
explained things to me 23
provided me with information about my case 19
made sure the court heard my side of the story 12

Several parents checked
was not helpful in any way 8
helped me be comfortable in court 6
helped me work with DFS

Judges: How frequently do attorneys for respondent parents in contested cases present evidence or testimony that was important to your decision,...

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very few</td>
<td>5%</td>
</tr>
<tr>
<td>Some hearings</td>
<td>14%</td>
</tr>
<tr>
<td>Most hearings</td>
<td>24%</td>
</tr>
<tr>
<td>Almost all hearings</td>
<td>48%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0%</td>
</tr>
<tr>
<td>Don’t handle contested matters</td>
<td>10%</td>
</tr>
</tbody>
</table>

n = 21

Judges: How often in the following child protection hearings are attorneys prepared to represent their respondent parent clients?

<table>
<thead>
<tr>
<th>Hearing Type</th>
<th>Never</th>
<th>Rarely</th>
<th>Sometimes</th>
<th>Always</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shelter care</td>
<td>1</td>
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n = 19

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31 There was a data problem with this question. The question asked parents to check the top 3 and the web survey wouldn’t let you tick more. However, on hard copies about half the responses ignored the instruction and checked more than 3. The top or bottom (vertically) answers where entered where more than 3, to preserve responses as close as possible.
Parents Attorneys: As respondent parents’ counsel, what are the main reasons that you ask for continuances?

DFS, DAs, GALs, & Judges: What are the main reasons respondent parents’ attorneys ask for continuances?  
This was an open-ended response. However, many responses were similar. They were grouped and tallied.

Schedule conflicts 45%  
Need time to prepare (generally) 22%  
To gather/review information 23%  
Need time to meet with client 8%  
To work on agreement 9%  
Difficulty with client (can't locate, uncooperative) 10%  
Counsel is new to case 10%  
To give time for client to complete service/task 6%  
New evidence 2%  
Need time to prepare due to quick notice of hearing 3%  
To wait for pending criminal case 3%  
n 86

Compensation

Judges, Parents Attorneys, DAs & GALs: In your opinion, is the compensation for appointed respondent parents’ attorneys adequate?  
Yes 36%  
No 40%  
Have no opinion 23%  
n 74

Parents Attorneys: In your opinion, does the compensation paid to respondent parent counsel adequately reflect the complexity...  
Yes 35%  
No 57%  
Have no opinion 5%  
n 36

If No, what compensation formula would you recommend?- Text  
The hourly rate of the attorney handling the case would be nice.  
It should be no less than that being paid by other agencies, such as WC  
Increase the hourly rate  
Rates similar to an average attorney billable hour.  
It depends on the county. Part of the problem is that every county pays differently.  
more - $100 per hour seems reasonable and I believe that the current rate is either $70 or $75  
Whatever amount draws quality private attorneys to do the work
hourly rate = $125
Should be paid what public defenders get paid.
$80. plus costs or $100. flat fee without costs
there's absolutely no excuse for paying court appointed attorneys, including GALS, any less that
$100-125/hour
$100 per hour or by a full-time employee or part-time contract basis
"lodestar" factors
I believe that paying a reduced rate based on attorney's fees in the field is reasonable.
I believe that anything below $100. an hour is not reasonable for experienced attorneys. Raise
the hourly rate. Extremely effects quality.
AT least $120/hour
Attorney's normal billing rate.
closer to the community average would be better
125/ hour
Natrona needs to move away from the contract attorney system and pay private attorneys for
their time at a reduced rate.
an hourly rate similar to other governmental rates
average hourly rate in the county
$150 per hour
An hourly rate of $120 or more
statewide average attorney hourly rates

Judges, Parents Attorneys, DAs & GALs: In your opinion, does the level of compensation
negatively impact the quality of representation of parents...

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Totals across surveys
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Training

DFS, DAs/GALs & Judges: In your opinion, attorneys who represent respondent parents would benefit from additional training on...

Parents’ Attorneys: In what area(s) do you feel you most need training regarding child abuse neglect?

DFS, DA & /GALs, Judges & Parents' Attorneys:
Child neglect 48%  
Physical abuse 37%  
Sexual abuse 41%  
Child development 51%  
Cognitive delays 42%  
Cultural competence 30%  
DFS policies and procedures 72%  
Domestic violence 32%  
Education/Special education 37%  
Ethical issues in child protection 41%  
Evidence in child protection 39%  
Federal and state statutes, regulations, and rules regarding child protection 55%  
Public benefits such as SSI/SSD 43%  
Interstate placement of children 45%  
Mental health 45%  
Substance Abuse 36%  
Termination of parental rights 42%  
Trial practice in child protection 32%  
Other; please specify -TEXT 5%  

Total number of responses
DFS 46  
DAs & GALs 15  
Judges 18  
Parents' Attorneys 31  
Total n 110

Parents' Attorneys: Have you ever attended training on the following? (check all that apply)
Child neglect 97%  
Physical abuse 94%  
Sexual abuse 79%  
Child development 65%  
Cognitive delays 47%
Cultural competence        47%
DFS policies and procedures 65%
Domestic violence           85%
Education/Special education 56%
Ethical issues in child protection 79%
Evidence in child protection 65%
Federal and state statutes, regulations, and rules regarding child protection 71%
Public benefits such as SSI/SSD 32%
Interstate placement of children 47%
Mental health                74%
Substance Abuse              88%
Termination of parental rights 62%
Trial practice in child protection 50%
Other; please specify -TEXT 6%
n 34

*Parents' Attorneys: What type of child welfare or juvenile court trainings have you attended in the last 24 months? (n = 35)*
The programs sponsored by the Children's Justice Project
various GAL trainings, the Children's Justice Project
Children's Justice Conference, Online CLE, Trainings at DFS;
Childs Justice Training
national conference in san diego... might have been 3 years ago
2009 and 2010 Children's Justice Conference; CLE on Term of Parental Rights by WTLA
None
Those offered through GAL Program and Children's Justice Project
CJP Annual Conference; Adoption Practice
All of the above
probably 30 hours - wide range of issues.
Wyoming policies and procedures.
Annual GAL Conference; 2009 - 2011
GAL Conferences
Training on long term effects of delinquency findings.
CPJic training
GAL conference and monthly trainings.
Public defender conference cheyenne Wyoming
GAL conference 2010
Public defender seminar emphasizing child rep
GAL program training
Termination and Permanency hearings
CJP
none
CJP/GAL programs live and online
CJP conference.
GAL training, parental rights training
GAL training, 2 private business CLEs on being a parents' attorney
Guardian Ad Litem conference. Signs of Safety training.
Local county bar CLE

*Parents' Attorneys: What type of research resources do you use? For example, Wyoming Child Welfare Legal Resource Manual... (n = 34)*

Many of the examples given in the question were indicated in this open-ended question and few others. Many reported using Casemaker (16), Westlaw (22), and the Wyoming Child Welfare Legal Resource Manual (13).

*Parents' Attorneys: Were you required to receive any specialized training prior to receiving a court-appointment to represent a respondent parent in a child protection case?*
Yes 3
No 33

**In General**

*Judges: In general, how knowledgeable are attorneys who represent respondent parents about relevant research on specific topics affecting their clients such as substance abuse recovery, mental health, and child development?*
Somewhat 2
Depends on the attorney 7
Generally knowledgeable 9
Very knowledgeable 1
Don’t know 2
n 21

*Judges: How satisfied are you with the overall competency of the attorneys appointed to represent respondent parents in your court?*
Frequently dissatisfied 0
Generally need improvement 1
Varies widely 3
Generally satisfied 14
Very satisfied 3
n 21

*Judges: Overall, in comparison to attorneys appearing in other civil litigation, how prepared are attorneys who represent respondent parents in child protection cases?*
Much less 1
Less 3
About the same 14
Better 2
Much better 0
Don’t have the basis to form an opinion 1
n 21
Parents’ Attorneys: Please rate what is most needed to enable you to better represent parents (n = 35).

Clerical support - 55% indicated it was not needed and 30% somewhat needed.

Paralegal support - 56% indicated it was not needed and 38% somewhat needed.

Investigators – Investigators seem to be needed in some areas with 23% saying it was not needed, 57% somewhat, and 20% highly needed.

Social worker support - 44% of parents’ attorneys indicated it was somewhat and 44% indicated it was highly needed.

Expert witnesses – There appears to be a very strong need for expert witnesses. 83% indicated expert witnesses were somewhat needed and 11% highly needed.

Interpreters - 61% indicated these were somewhat needed but 33% that they were not needed.

Parent focused visitation services and parent focused inpatient treatment were rated as high need with visitation services at 35% (somewhat) and 59% (highly) and inpatient treatment at 44% (somewhat) and 50% (highly).

Private interview room at court house – Results indicated this is while needed in some places, it is more often (44%) not needed.

Parent advocates – 45% indicated parent advocates were somewhat needed, 36% that they were not needed.

Transportation for parents – A good percentage of responses indicated transportation assistance was needed 47% (somewhat), 32% (highly).

Improved communication with DFS – improving communication with the agency is a priority for a good number of the parents’ attorneys 40% (somewhat), 37% (highly needed).

Increased funding – The vast majority of parents’ attorneys noted that increased funding was needed with 57% rating it highly needed and 34% somewhat needed.

More training – As to training, 49% noted it was somewhat needed and 40% highly needed.

More attorneys – Results probably indicate the need for more attorneys varies by location with strong showings for both not needed (40%) and highly needed (34%).
Improved timeliness of notice from court – Timely notice from the court is not perceived as a major issue among most survey participants with 57% indicating not needed and 26% somewhat.

Shorter time between hearings – The majority indicated this was not needed (53%), though a good proportion did indicate it was somewhat needed (41%).

Improved discovery – Results probably indicate that discovery practices vary across the state with need ratings being fairly evenly distributed (32% not needed; 29% somewhat; 38% highly needed).

How does quality parental representation in protection cases improve outcomes for children?

DFS
attorney's can assist parents in making decisions for the best interest of their children and help protect parents from overreactions from others with in the team.
Sometimes expedites permanency, shortens the length of a case, parents more cooperative with representation.
parents don't always understand the process and having an attorney helps them understand what the consequences of the case are
Quality parental representation provides the parents to express thier feelings and concerns for their children.
Necessary family changes are made sooner, children are safer and children are reunified, if possible, more quickly.
Lawyers can help facilitate and act as a mediator to help get their clients to work with DFS or complete the case plan goals.
If the parents are involved and cooperate the child have higher change of runification or closing the case. The children have higher change for success in parents cooperate.
Don't know
Gives the parents a better view of the court system and DFS. Parents feel more willing to work on a case plan if their attorney approves of the plan.
The children go home quicker
Helps to explain the court process, describe possible outcomes, encourage compliance with case planning.
To make sure both parents' rights are adhered to in reference to their child. /
I think that by having attorneys, the parents have a voice. We have more parents that for whatever reason are not able to voice thier concerns or needs to the court. And with older children by having an attorney for the parents I have seen some case from the guilt they put onto themselves because of the situation that believe that have put the family in.
The parents know what is going on with their children and are more aware of their rights if they have legal counsel. It helps keep the focus on safety and what needs to happen to get the child home. Stops cases before they become runaway trains and finding new reasons to keep children out of the home.
By preparing the parents in how the court process works, allowing them to become more educated and to provide the parents with more information and support in the legal setting.
It may very slighly improve outcomes IF the parent's attorney is willing to assist in encouraging the parent to complete services.
In most cases, parental representation is very helpful for the parent although there are some incidents where it seems like the representation doesn't help fight for the parents, they just advise the family to admit or plea no contest in an attempt to get the case started and not put in the extra work for their client.
Parents are able to have everything explained from an individual assigned to them, instead of an Agency they, generally, view as the "bad guy".
Don't know if it necessarily improves outcomes for children. I find the court process appears more drawn out between hearings and also when it comes to termination. Delays (continuances) are often cited as the reason for delay in termination hearings. Also, delays in initial hearings due to time it takes to appoint counsel and for counsel to be knowledgeable about their clients.
Attorneys are able to get the parents to comply with their case plans or chose to relinquish/consent to a guardianship quickly allowing the children to either reunify or be adopted/guardianship quicker.
I think the parents representation is dependent on if the parent is willing to work with the attorney and vise versa. Some parents just won't maintain contact with their attorney. / Usually when a child is in protective custody and going through the court system the parents need to know what to expect during the course of the case and what each court hearing is for. I think this would encourage the parents to do what needs to be done. Parents are fully aware of their rights and legal obligations as well as options
The same few attorneys are generally retained or appointed for child protection cases, so they have a lot of experience in the juvenile court system. These attorneys are able to advise parents but also advocate for the best interest of the child which improves outcomes.
Parent's attorney assists the parent in understanding the legal process and encourages them to access services and supports
The process is much smoother and works to the benefit of children if there is quality representation. The parents understand and know what is going on. The parents can know that they have someone that is on their side.
It helps the parents be more aware of proceedings and can prevent the Court proceedings from draging on. Protects from ending up half way through the case and the parent is arguing that they didn't know what was required of them. Quality representation is an attorney who not only recognizes their clients rights but the best interest of the child and can appropriately incorporate both when representing the parent. If an attorney can recognize both they can be an effective tool to get the best outcome for the child. They can motivate the parent to achieve what is needed to create a safe and caring home for the child.
overall guidance of the court process to the parents.
The parent's attorney is usually someone that the parents trust immediately compared to the trust building that the caseworker, GAL, CASA, and CA have to constantly work on. When there is someone on the team that the parent has a good trusting relationship with, then the parent usually listens to them and can engage in services more quickly when their attorney recommends it to them.
It doesn't...it shifts concerns from safety for the child to the guilt or innocence of the parent
Attorneys hold the parents accountable to complete their case plan goals, and assure that everyone continue to work toward the goals in the case. They are also able to explain the Juvenile Court Process, and the timelines to parents Both parents are advised of their rights and of the State's requirements to look at both parents for placement of children. Both parents have the right to be looked at for permanency for the child, and could result in shorter length of stays in foster care for their children.
Shorter DFS involvement and out of home placements
-when the parent has a mental illness that makes it difficult to negotiate with them / - when they take into account what the family and child are needing- don't just fight to fight
I think that both parents need to have representation. This would help the non custodial parent understand the court side of things better. This would also help at the MDT so that the parents have someone to speak on their behalf as well.
Holds parents accountable.
Makes or helps the process go smoother, in terms of timeliness (reunification).
unsure

**DAs and GALs**
Sometimes, good representation can improve outcomes when parent's counsel is able to help clarify and facilitate communication between their client and DFS. Representation does not always improve outcomes for children. Sometimes counsel can be a barrier to successful outcomes by focusing on issues other than a child's needs. Someone is available for parents to discuss the court's requirements and to better advise the parents of who to contact to help meet the requirements.
Often, parents learn the gravity of the situation and they will either be vested or agree to relinquish in a timely manner.
Not sure that it makes a major difference for the children. Generally we try not to let that affect the children.
The quality of representation is the main issue I hope that CJP and the ABA can address. Just because an attorney is there, does not mean that parent is represented. A "warm body" so to speak, does not help parents. For example, in
the county I have cases in, one attorney (who is a 98% public defender, meaning he should only have 3 extra hours a month to do other representation), represents all (unless a conflict) of the parents in juvenile court (we have a large number of cases in this large county). It is simply not possible for one attorney with 3 hours per month to adequately represent hundreds and hundreds of parents. It's a shame. More importantly, this lack of quality and time given to parents representation, effects the children more than I think the Judges and other stakeholders realize. If those parents had an advocate on their side to help them through teh system, they would get their kids back faster and get on their feet faster, which is always better for the kids. Or, alternatively, realize they can't do it and be willing to relinquish or arrange for another care option for their child. IT is then left to the GALs to assist the parents and that can become a conflict sometimes and is often the appearance of a conflict, which can be hard for all the parties. It increases the odds that they will have their children returned to them (whether or not that actually is in the children's best interest).

Assists parents through the process so it speeds up the total time the case is open, provides an important and different perspective from District Attorney and DFS and GAL
"Quality" is subjective but usually if a parent has an attorney that can explain things adequately and act as a guide for the parent, with the occasional nudge in the right direction, parents are reunited with their children much more quickly.

It ensures everyone complies with state and federal laws that serve to protect children and their best interests.

Sometimes
In many instances, the parents know the child best and can advocate for what truly is best for this particular child .... a loving parent has the most at stake of all stakeholders.
It give the parents a voice so that they don't feel like they are being railroaded by the state/DFS. Also, it can move the case along at a faster pace if they listen to their attorney to get a start on some of the requirements that will be required by the state/DFS/GAL.

Reunification generally occurs sooner if parents are represented

Most attorneys who do this type of work recognize the relevant issues and appropriately counsel their clients to work with DFS on the case plan to hopefully alleviate and address the issues which got them into Juvenile Court.
assist parents' understanding of & compliance w/ court-ordered terms/conditions
it helps the family from getting swallowed up by the System. The attorney can advocate for the least restrictive placement on a regular basis and also help to remind that this is not about perfect parenting but about helping the family to an acceptable level of minimizing risk and reunifying families. The attorney can help the parents to understand the reasoning behind what the system is requesting them to do without the hostility that parents may feel towards the State. The attorney can help to secure witnesses to advocate on the side of the parent when the parent may not understand how to get that accomplished.

By ensuring that reunification is more likely to be the result and by helping ensure that the fundamental right to the parent-child relationship is protected

Immensely. Without an attorney, many parents become overwhelmed, and feel bullied by DFS and the State.

Judges

I'm not sure, since the attorneys rep the parents and are advocating for the fastest possible end to govt involvement.
This is difficult to assess. It is very case specific and attorney specific.
Clarifies issues, enables parents to accept responsibility
Not sure that it does.
Helps with reunification, but not where it is inappropriate or untimely.
A good lawyer might get a parent to focus on best outcomes for the children.
A "good" attorney in the normal sense, can negatively affect the outcome for the child because his/her ethical duty is to protect the parent - not to look out for the child. A "healer" as an attorney can greatly help both the parent and the child.
The more good minds at the table, the better the likelihood of a good outcome
The faster the procedural goals are met, the soon reunification can occur...in cases that appear hopeless, the represented parent realizes it sooner
it usually doesn't benefit the children
Quality parental representation can help provide better services and resources in areas where parents are unable to access resources (i.e. substance abuse, anger management, financial needs, etc.). Assistance to parents ultimately results in better outcomes for the entire family.

Parents are provided with more insight into the needs of their children and means to obtain assistance and/or services. If appropriate, rights are terminated and children get a 'chance.'

Kids get to go home sooner or parents relinquish faster.

Generally it doesn't.

Quality representation produces better outcomes in all C/N matters.

Allows the court to be fully informed as to the facts + to consider arguments that I might not have been raised otherwise.

Better development of the facts of the case.

Better lawyers can guide parents to a quick resolution this benefits children.

Keeps their interests in mind and addresses parental deficiencies.


Parents' Attorneys

I would hope that by making the parents better educated and informed and getting them the services they need, they become better parents.

I think one of the main things it does is help the parents understand what is going on and therefore, makes is more likely they will willingly participate in the process and have success, for the family overall.

It helps the parents understand the process is for the children's best interests.

you must now the system to navigate it...

It provides education to the parent in the face of an agency that has taken a child away.

Most of the cases I receive don't go to trial. Almost all cases have some form of counseling type services involved.

Getting the parent into the appropriate programs at the earliest possible date is perhaps the most critical aspect of these cases. The sooner the programs are initialed the sooner families are reunited. The longer families remain apart or fail to address their issues, the harder it is on the children.

I try to help the parent improve conditions at home: e.g., get a job, get protection order against abuser, get divorce if needed, get counseling for parent

Helps to resolve the case faster with better outcomes

Anytime that a parent is represented the children benefit

Helps give the parents a voice in the process and an advocate in the system, in addition to sometimes pushing DFS/County attorney to re-evaluate and focus their objections and requirements for parents.

Better trained - parenting classes.

Helps parents stay involved and follow through w case plan.

Helps the parent w/ reasonable requirements to address case plan & safety issues for obtaining reunification case closure.

Knowledge of the system and parents' expectations.

The more the parent understands that the court and the government are only there to look after the best interests of the child, the easier it is to find workable solutions to the immediate issues at bar.

The better a parent understands what is happening, the more likely they are to address the issues that brought them before the system.

informed parents. parents feel involved.

great question. Varies from case to case. Can sometimes seem counter-productive to children, ..one hopes child will be well b/c client benefits from your help.

not often. The kids are often in bad situations, which is why DFS became involved. Usually my role is in protecting and defending my client parents' fundamental rights, mediating, reasoning with DFS and privately convincing my client that they need to take steps to put their family in a better situation. This is my role 75% of the time.

Returns the children as soon as possible to a safe healthy home.

If the parents are fit &/or willing to obtain services, parents are generally the best placement option.

I'm not sure except to say that the parents' rights are protected.

has a very significant positive effect.

Parents have a voice and position which should be heard & considered for system to consider all angels.
In my experience - the outcome is determined more by the parents willingness & efforts to comply with court orders. The attorneys can certainly help with the process by making sure the plan is reasonable and client is not unjustly accused but responsibility starts and ends with parents.

Parents are an important advocate for children. When they are sidelined by poor representation, they cannot be effective.

Attorneys for parents can both put the parents rights and desires into terms the other parties can incorporate into a written plan for the children, and be the parent's advocate for the children in what are usually intimidating meetings/hearings for someone who didn't have an attorney.

Keeps parent on track on case plan. Works out friction between parent and DFS and parent v. parent.

An effective attorney is both an advocate and a counselor. As a counselor at law, I can help the client get goals that are in the child's best interest, and make sure the case plan is attainable for the parent.

If the parents do not get good representation, then poor outcomes occur always with the children.

Quality parental representation results in parents having an understanding of the process, what is expected + encouragement to follow terms and conditions, with the goal being to become better parents.

it usually improves the process and procedure and the ultimate results.

What do you think can be done to improve the representation of respondent parents in child protectio...

DFS

often times one attorney is representing so many clients it is hard to insure that proper attention is given to each case. The judge should make sure an appointed attorney will have time to take on the case and give it the attention it needs.

Education, paperwork being filed timely, and court processes being timely.

Ensure the parents have counsel through out the DFS case.

Parents cooperation and doing what is in the case plan. Also taking fault for what was done.

I feel that our parents are represented well.

The attorney's in Sweetwater County seem to do a pretty good job

Do not let them out of the case until it comes to an end.

Most of my parents do request a court appointed attorneys, and Judges... and....do a very good job of explaining to the parents their rights, the children's rights and what the charges are, what the possible consequences are for the charges and will ask the child and parents if they have any questions. The Judges will also ask the child to repeat back to the Court what the charges are and what the consequences could be.

Offer better attorneys to the parents that cannot afford legal counsel. Sometimes the court appointed attorneys are not good.

We need more options here. Attorney's have tons of cases and not a lot of time to devote to each individual case.

Training on how to represent a client in a non-adversarial/treatment court setting.

Case load numbers need to be realistic for attorney and also expectations for the attorneys need to be clearly defined.

If their representative is expected at case plans and IEP's then they need to be held accountable as to why they do not attend

It would be nice to keep the best interest of our children in mind when working with a respondent parent and recognize our(cps) purpose is not to offend or punish but to protect and prevent further harm to the children involved. sometimes an attorney will alienate parents towards cps workers, preventing good reunification and long term caseplanning

Court ordered/required to attend meetings

Set appointments to meet with the parents before the hearings. / Return phone calls in a timely manner.

Nothing that I can think of. Parents often seem confused at the juvenile court system at first, but this seems to be alleviated after they are appointed counsel.

The attorneys have to make these cases a priority and spend an appropriate amount of time working these cases.

Have attorney's that want to work with DFS and not just act like the parents are innocent in what ever happened to bring them to court. Work with DFS and the other agencies to help the parent not just advocate to send the children home and that we should not be involved.
Attorneys need to be more focused on the best interest of the child, rather than winning their case. I believe many attorneys treat juvenile cases like criminal cases and forget that the case is about a child's life rather than a win. Training for lawyers about the differences between criminal and juvenile court. The way it stands now for the most part, if the parents' attorneys are active, the kids either stay in foster care longer as the attorneys bicker, or their needs aren't met.

I think it is handled adequately in this county.

Education in child abuse. Young lawyers are getting into this line to get "court experience" thinking that stakes are not as high as real law and often just make it worse for kids and family. When a case goes to a stipulated order or a consent decree, there are some attorneys that ask to be removed off the case. It is still a court ordered case and the judge is signing off on it. This leaves the parents in a bind when they aren't following the case plan or have further questions in regards to the order. I don't think that this should be allowed.

Making sure representation is available to all that need it. Also, making sure representation is assigned on a timely basis.

**DAs and GALs**

Training.

Have attorneys from the public defender's office represent parents in child protection cases. Provide comparable billable wages so attorneys are able to take child protection cases.

I am not sure. I think the representation is pretty good right now so I would keep doing what you are doing.

We need standards, training, and the same pay and treatment across the state, as Wyoming did with the GAL Program. Until we have this and counties are fully responsible, the system will continue to be broken, which ultimately, does not affect the parents only, it affects the children.

These are very difficult cases with clients who are often terrible to work with/for and who are demanding of one's time - improving compensation would help a great deal.

We need more parent attorneys. We generally have 1 attorney who represents ALL parents, unless there is a conflict of interest. This attorney also has other contracts/practice area. This is NOT adequate, there is no way 1 attorney (who also handles other cases and caseloads) can adequately represent all the parents. Communication is a huge issue for our parents with their counsel.

In Sheridan County you are essentially paid $75/hr to represent parents. Not that great. I've represented parents and it is usually a very painful experience. The clients are needy or combative or rude or despondent or defiant or strung-out or high or any combination of those. The process and consequences are extremely difficult to explain to them as the process and consequences are fairly mutable. It's not necessarily an "either/or" situation as with criminal law. It is hard to explain to a parent in that position that the outcome has a lot to do with their willingness to try. Or at least pretend to care. It's just difficult work. I'm not sure if anything can be done to improve the representation. It's just not for everyone. A bit more money would help I suppose but either way they are emotionally draining. I've only represented 6 or 7 parents as I would much rather represent children as GAL. Of those 6 or 7 there is 1 that is doing great and I felt learned from the experience (because her attitude was fantastic and she tried). 2 others I'm hopeful for and remain positive about. The others... eesh.

An increase in hourly pay will attract more qualified attorneys.

Education

Continued training for better understanding of the juvenile process.

In my experience, the respondent parents need to be more proactive with respect to obtaining and informing legal counsel.

Clients respond to calls/letters from or initiate contact with their attorneys

Educate the attorneys who are working in the system. Educate the social workers for the State on the law and the role of the parent's attorney in the case. Get the focus off the financial concerns and more tuned towards reunifying the families with resources. Get parents attorneys to advocate for less restrictive placement continuously.

Make sure in forma pauperis forms are made available to all parents at the shelter care hearing; change ways counties fund appointed counsel.
Judges
It would probably help more if the attorneys gave attention more to the best interests of the child while also rep. the parents.
Appointment early in the case to assist in explanation of the process and minimize some of the adversity created at the beginning of the case.
While I suppose there is always room for improvement, the attorneys here generally do very good work.
making the system less adversarial.
Take a hard look at modifying the ethical rules in child protection cases. The hard ball can occur in TPR cases.
I would like to see representation expanded. I think many attorneys are not aware of the possibility.
Increase compensation
The appointment process could be coordinated across the state so that district courts are uniformly appointing counsel for respondent parents.
Develop a cadre of attorneys who are given incentives to obtain specialized education and training and compensate them accordingly.
In Sweetwater County - nothing.
pay more attorney fees.
Pay enough to obtain quality representation.
Better compensation for attorneys.
Keep Cheyenne out of the process.
Continue to educate both prosecutors and defense counsel - also judges on the above.

Parents' Attorneys
Better cooperation between the parents attorney and County Attorney, as well as DFS
In my case, I simply need more experience and that just takes time.
For the parent's representative to communicate with the GAL
tough question... not sure I have an answer
More resources for inpatient treatment, including payment for inpatient. We have no long term Level 3 care less than 3 hours away, which means taking the parent out of the community and away from the child, or, taking the child out of the community and placing them at the care center.
Have bank of motions, discovery, jury instructions, etc. for attorneys, Have communication or training to educate attorneys on preparing for different types of hearings. CLE on representing parents in TPR cases.
Set adjourned dates while parties are in court
I believe that the system for representing parents should be modeled after the GAL program in Wyoming, requiring CLE credits annually in the area of juvenile matters, creating a pool of attorneys who are managed by a central administrator or local supervising attorney, to handle case assignments and balance caseloads. The system now in Sheridan and Johnson County seems to be in the form of the clerk or JA calling or e-mailing several attorneys soliciting work.
not much in our county.
Keep the court focused on needs and best interests of children at all times.
Less rubber stamping by courts - less input from DFS and more responsibility on attorneys - courts take these cases more seriously.
Funding for parent counselors, finding for parent transportation when children are placed out of area.
Sensitivity training with DFS and county attorneys.
More specialized training. Focus on advocacy instead of group think.
A basic handout that explains the process for parents as well as how to work with their attorney. We used to have this type of packet but it has disappeared.
To provide training and adequate compensation or perhaps have a salaried person paid for by the system like Public Defenders.
I believe that these cases should be more widely dispersed among attorneys rather than only one. Of course, financial constraints make this impractical.
The parents generally need to be more active in their cases.
increase pay. Paid $1 per hour, most attorneys charge $18 to $22 per hour.
more communication with the district attorney and better investigation by DFS.
I think the emphasis needs to be on effective treatment. Treatment that is available close to home and children. I don't know that pumping money into the legal system is the answer. Treatment and resources for parents - that's what is needed.

Regional trainings around the state, not just in Cheyenne

I think a standard should be promoted such as exists in other areas of law, that show what good representation looks like.

If court-ordered supervised visitation occurs with any problems, to know from DFS or 3rd party what the problem is when it happens - not 5 visits later and weeks after DFS already told the prosecutor.

more and quicker access to in-patient counseling/treatment centers for parents.

Not fix what's not broken. 6th judicial district has a quality batter of attorneys dedicated to represent the parents. Don't screw it up like you did when you gave the GAL progrm to the public defender's office. Fix in the counties that need fixing. Quit the one size fits all. You caused a lot of experienced attorneys to quit the GAL work!

Better pay to entice other attorneys to be willing to do the work.

more communication from DFS to GALs and parents attorneys. Better cooperation, more focus on parents.
Appendix K
Court Observation Summary

The teams observed 12 hearings in total in two counties, 9 in Laramie County, and 3 in Sweetwater. Team members filled out a form for each and the questions and answers are combined below.

Hearings lasted an average of 17 minutes, with one continuance lasting only 5 minutes and one hearing 70 minutes. Three 6 month reviews were observed, 4 placement reviews, 2 dispositions, one initial, one shelter care, and a hearing on motion to dismiss a termination.

Outside of Court:
Due to the way the court rooms/hearings were set up, the teams did not observe much of the interaction of attorneys and their clients before the cases were called. There were a number of questions regarding this:

*Did the attorney seem to be concerned about protecting their client’s confidentiality during their conversations?*

*Did the attorney interview their client...outside the courtroom?*

*Does it appear that the attorney had already established a relationship with their parent client?*

*Did the attorney interview case workers? If so please describe.*

*Did the attorney interview other witnesses? If so please describe.*

*Was the attorney given reports and read those reports/documents while waiting for their case to be called or did they appear to already have the reports?*

For most of these the teams noted they did not know.

However teams did note often (6 of 12 hearings) that attorneys had already established a relationship with their parent client. They also noted (6 of 12) that attorneys seemed to already had obtained relevant reports such as from DFS.

Facilities:
Both court houses had spaces where parents could meet with clients privately as needed before hearings.

In Court:
Both parents appeared for most hearings (8 of 12).
Notes:

Yes, Mom (with main attorney) and one dad (private counsel?) Attorney for other father there, but has not been able
to reach other dad.
Yes, mom in person with stepdad (represented by main attorney)
Dad via phone due to distance and transportation issues (represented by conflict attorney)
Mother only; father not mentioned
No, mother not present. They heard she fell, but didn't let counsel or DFS know.
No, one father present by phone. Mother and her attorney not present.
Yes, no counsel. Judge explained appointment and gave paperwork, asked for it to be returned in 6 days.

Does it appear that everyone, attorneys and parties, are aware of the purpose of the hearing?

It appeared that there was little problem with parents or their counsel understanding the purpose of the hearings (11 of 12 ‘Yes’; 1 of 12 was N/A due to absent parent).

Where did the parent(s) and their counsel sit? Are attorneys seated with their clients or are clients seated at the side or rear?

Notes:
With attorneys at counsel table
Seated with attorneys at counsel table
Mom represented by conflict attorney
Dad represented by conflict attorney
With attorneys at counsel table
Mom sat with attorney at table/ dad of two children there, he sat behind. Not represented at this time, judge mentioned he could ask for attorney if he wanted, parents are divorced and he has visitation. Serves as stepdad to other child. Not subject to this action, mom caught driving under influence with kids in car. Kids are with mom.
With attorneys at counsel table; Main attorney for mom; Conflict attorney C for dad
With attorney at counsel table
With attorneys at counsel table
Grandmother's attorney present (child removed from grandmother)
Neither parent present. Foster parent and case worker were in the back, GAL and DA, w parent attorney to the side.
N/A
With attorneys at counsel table
Parents together, GAL, DA, Truancy officer, at another.

How were/was the parent(s) treated by courtroom staff?
Nothing noted.

Describe the judge’s interaction with the parent(s), if any.

Notes:
Minimal
Respectful but firm
Polite and respectful
Minimal
Minimal interaction with parent since largely legal argument
Polite and respectful while asking mom questions
N/A
Judge didn't want to go forward without mother present.
By phone, appropriate
Respectful
Judge spoke with parents asked about getting child to school.

Was there an opening statement or argument?

Notes:
DA made opening statement, other attorneys gave statements
DA made opening statement; other attorneys made statements
DA made opening statement; both parents' attorneys made statements and GAL
DA made opening statement, other attorneys gave statement
DA made opening statement; both parents' attorneys and GAL made statements. Dad's attorney did not have all paternity issues straight.
Attorney for mom started with AG/DA giving argument, GAL, and then chance for mom's attorney to respond
DA made opening statement; other attorneys made statements
No
GAL spoke about concerns mother is still drinking.
Short by DA
DA made opening statement; Attorney for mom supports dismissal; Attorney for dad supports dismissal with visitation caveat; GAL supports dismissal
No

Who were the witnesses? Which party offered witnesses?
In many cases (8 of 12) no testimony was offered by any witnesses.

Notes:
ICPS worker got up to make statement. Indicated parents always came to services; did not really testify - judge brought up Note: both attorneys attended. ICPS worker ready to dismiss from this program after one more session.
Foster parent, DFS, for DA?
Child spoke at request of GAL, spoke about what she would do if mother started using again - what her supports were

Did parent(s) testify?
Parents also often did not testify (7 of 12).

Notes:
No, although judge asked dad if he had anything to say since he does not have attorney. Dad stated he was just there to support ex-wife.
No
No
Mom, the only person all morning who went up to podium (with attorney) to deny allegations and listen to judge
Were stipulations properly used?
Use of stipulations was not observed. Nothing noted.

Did the parent’s counsel make evidentiary objections? Timely? Appropriate?
Nothing noted.

Were there any problems with discovery or exchange of information?
In 10 of 12 cases, the teams noted there did not appear to be problems.

Notes:
unclear - DA and GAL had not seen amended report, but agreed with other reports they had seen.

What legal issues were raised during the hearing and by whom?
recent return of children to mom
visitation of dad
Whether or not to keep case open until divorce is final and custody order final; Parents were together when case started, divorcing, kids returned already and doing joint custody. Some history of problems with visits between parents.
No real legal issues, just factual update. Children removed and re-removed. Reunification goal still but leaning toward TPR.
Continuing custody with mom/family preservation
Court placement with relatives
Due process rights of mom, claim that court does not have jurisdiction over TPR because there is no record of adjudication and consent decree expired - attorney for mom; argued that if court dismisses case and agency seeks to refile, can't be on original allegations.
Mom denied allegations; Mom charged with felony in relation to this incident; attorney representing her on that charge as well; Visitation
Lack of formal custody order to grandmother. Judge wanted mother to participate by phone.
Mother's substance abuse evaluation, issue of whether person was licensed. Parenting classes.
Visitation by father's attorney, whether to dismiss
Educational neglect, mother's illness, keeping child home when mother was ill.

Was legal authority cited? If so, by counsel for which party (parties)?
Legal authority was not generally referenced (9 of 12).

Notes:
Yes, Legal authority cited by mom's attorney and DA; statutes, court rules, and case law regarding obligation to record hearings, remedies, void orders
Yes, Court referenced ASFA language.

Was an agreement offered that had been reached outside of court on any issue?
Notes:
Parties had agreed that children should return to mom
Scheduling an MDT to change goal to adoption. Judge discussed time frame and notice.
Yes, as to custody.
unknown
Yes
Describe the interaction between attorneys for parents and their clients during the hearing.

Minimal conversation at counsel table
Mother and attorney conferred twice. No interaction between father and attorney.
Discussion at the table. No interaction between father on phone and attorney.
Minimal
Minimal conversation
Attorney for mom in underlying juvenile case talked to mom while TPR attorney argued, appeared to be trying to comfort her as she was upset at various times in the argument
Mom's attorney appeared to be consulting with her throughout
N/A
N/A
F's attorney okay w/ dismissal - no interactions. Mother's attorney spoke for her. GAL spoke in support of mother.
N/A

Did the parents address the court at any time during the proceeding?
Parents did not address the court at all in 5 hearings.

Notes:
Judge asked dad if he had anything to say since he does not have attorney. Dad stated he was just there to support ex-wife.
Father answered a few questions from judge
Yes, mom when she was denying allegation
Yes

Were there any language issues? Translator? Cultural issues that should have been addressed by counsel or the court?
None noted.

Did the court state its findings clearly at the conclusion of the hearing?
The courts overwhelmingly made clear statements of findings (11 of 12; 1 of 12 was N/A).

Notes:
Yes, will allow children to stay with mom, continuing jurisdiction, left visitation up to parties to work out, will keep absent dad in case for one more hearing
Yes, children to remain in custody until DR court makes decision
Yes, ordered goal of reunification with concurrent goal of guardianship
Court took case under advisement
Yes, continued. Rule to show cause regarding mother for failure to show.
Yes, judge angry that mother's attorney was not present. Rule to show cause issued.
Yes, granted dismissal
Yes, court explained findings.

Did the parties seem to understand the findings or instructions from the court?
Parties seemed to understand findings (11 of 12).

Notes:
Yes, continued; court ordered supervised visits
Yes, the judge prompted them to explain their intentions.
Did they receive a copy of the findings before they left the courtroom (or outside)?

Were they given a written reminder of their next court date?

Parties were not, for the most part, observed receiving a written order or reminders before they left the courtrooms. This may have occurred away from the teams.

Were they ordered to return to court on a specific date?
For the most part, parties were not ordered to return on a specific date (8 of 12), though several were N/A due to parents not being present or cases being dismissed.

Notes:
N/A, judge decided case would be dismissed when he gets final divorce/custody order and no need for other hearing
Yes, 3.31 for adjudication
N/A, case dismissed

Were they reminded of the purpose of their next court hearing?
In some cases, (5 of 12) parties were reminded at the end of the hearing about the next date.

Did the court give any admonitions and/or any encouragement from the court?
Notes:
Wished them luck
Yes, encouraged them to get the job done on figuring out their custody arrangements under the divorce, good luck.
Yes, judge reminded parents that the two year clock was running, that he was troubled by the recent re-removal of children, but encouraged them to continue to work on issues.
"Judge strongly admonished mom for DUI with kids, strongest admonishment of the day"
Commended dad for his support and involvement"
Judge thanked the relatives for stepping up to the plate to take the children
No
Judge gave extensive explanation of rights, including goal of reunification and ASFA timelines
N/A
No
Addressed the child (who had given a very eloquent statement) at length supporting and encouraging her;
Congratulated everyone
N/A

Did the attorneys for the parents meet with their clients either inside or outside the courtroom after the hearing was over?
Teams for the most part did not have the opportunity to observe this.
Appendix L

On-site Team Bios

Joanne Brown, J.D., M.S.W., is a former Superior Court Commissioner in California (Juvenile and Family Law Judge), and General Counsel for the New Mexico Department of Children, Youth, and Families. Since 2004 she has been a consultant for the National Resource Center on Legal and Judicial Issues, ABA Center on Children and the Law and an expert on CFSRs, IV-E, ASFA, and the role of the court and attorneys in the child welfare law and practice. She is a member of the Bars of California, New Mexico, Maryland and the Supreme Court of the United States.

Mimi Laver, J.D., heads the National Project to Improve Representation for Parents Involved in the Child Welfare System. Ms. Laver has extensive experience in child welfare legal representation issues and was instrumental in drafting the ABA Model Standards of Practice for agency and parents’ attorneys. Her publications include Foundations for Success: Strengthening Your Agency Attorney Office and Representing Parents in Child Welfare Cases: A Basic Introduction for Attorneys. She also has extensive experience in court improvement having edited the National Child Welfare Resource Center on Legal and Judicial Issues’ annual Court Improvement Progress Reports since 2000 and provided training and technical assistance to numerous states on child welfare legal issues. Prior to joining the ABA, Mrs. Laver was a supervising agency attorney in Philadelphia.

Diane Boyd Rauber, J.D., M.Ed., is a consultant with the ABA Center on Children and the Law and the National Child Welfare Resource Center on Legal and Judicial Issues. She is a specialist in child welfare court improvement and has written and edited a number of Resource Center publications.

Scott Trowbridge, J.D., has been a staff attorney with the ABA Center on Children and the Law and the Resource Center since December 2007. Before law school and the ABA, Mr. Trowbridge was a supervisor for the State of Tennessee’s
adoption program for a 15 county region placing abused and neglected children into
permanent homes. Prior to this supervisory position, he was a caseworker with the
State of Tennessee in various positions including permanency barriers, foster care,
juvenile justice, and as a court liaison and was a counselor in a private residential
treatment center for children.